



*The  
Formation  
of the  
Union*

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The  
Formation  
of the  
Union



WASHINGTON, D. C.

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IN CONGRESS, JULY 4, 1776.

# The unanimous Declaration of the thirteen united States of America,

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. — We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights Governments are instituted among Men, deriving their just Powers from the consent of the governed. — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while恶习 are suffered than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object renders a Monarch to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world. — He has refused his Assent to Laws, the most wholesome and necessary for the public good. — He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained, and when so suspended, he has utterly neglected to attend to them. — He has refused to pass Bills for the accommodation of large districts of people, until those people would relinquish the right of Representation in the Legislature, a right insinuated to them and筋に付ける to guards only. — He has called together legislative bodies at places unusual, unaccustomed and distant from the Depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures. — He has dissolved Representative Houses,屡々 repeated for opposing with manly firmness his invasions on the rights of the people. — He has refused for along time after such Dissolutions, to cause others to be elected, whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise, the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within. — He has endeavoured to prevent the Population of these States; for that purpose obstructing the Law for Naturalization of Strangers, refusing Refugees to encourage their migrations hither, and raising the conditions of their Appropriations of Land. — He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Courts. — He has made Judges dependent on him for their tenure, for the amount and payment of their salaries. — He has created a multitude of Vice-Admirals and other Extraordinary Officers to hang our people and not eat their substance. — He has kept among us in times of peace Standing Armies without the Consent of our legislatures. — He has affected to underrate the Military importance of and superior to the said States. — He has combined with them to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his Assent to their Acts of pretended Legislation. — For quartering large bodies of armed troops among us. — For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States. — For cutting off our Trade with all parts of the world. — For imposing Taxes on us without our Consent. — For depriving us in many cases of the Benefits of Trial by Jury. — For transporting us beyond Seas to be tried for pretended offences. — For accosting the free Batches of English Ships in a neighbouring Province, establishing thereon an Arbitrary government and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies. — For taking away our Charter, abolishing our most valuable Laws and attacking fundamentally the Forms of our governments. — For suspending our Legislatures and dissolving them selves invested with power to legislate for us in all cases whatsoever. — He has践踏ed your natural rights by dissolving in one of his Proclamations and waging war against us. — He has plundered our seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of your Sons. — He has at this time transported large Numbers of young Slaves to compleat the works of Death, Desolation and Tyranny already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally discarding the Rule of a civilized nation. — He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their hands. — He has excited Domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages, whose known rule of warfare, is an unblushing destruction of all age, sex and conditions. In every stage of these Oppressions we have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. — We have had too long忍耐 in attempting to live under British Rule. We have warned them from time to time of attempts by their legislation to extend an unconstitutional jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disown these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore, acquiesce in the necessity, which since our Separation, and hold them, as we hold the rest of mankind; Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be, Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.— And for the support of this Declaration, with a firm reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Button Gwinnett  
Lyman Hall  
George Walton.

John Hooper  
Joseph Horace,  
John Brown

The Proprietary  
Society of  
Arthur Middleton

*John Hancock*

George Wythe  
Richard Henry Lee  
Th Jefferson  
Benj Harrison  
Th Wilson  
George Lightfoot Lee  
Gardiner Brastow

Robt Morris  
Benjamin Rush  
Robt Franklin  
John Norton  
Jacob C. Smith

Jas. Johnson  
Geo. Taylor  
James Wilson Rich. Stockton  
Cpt. Ross Lee Washington  
John Quincy, Genl. Stevenson  
Graham John Reed  
Thos. M. Clark Aria Clark

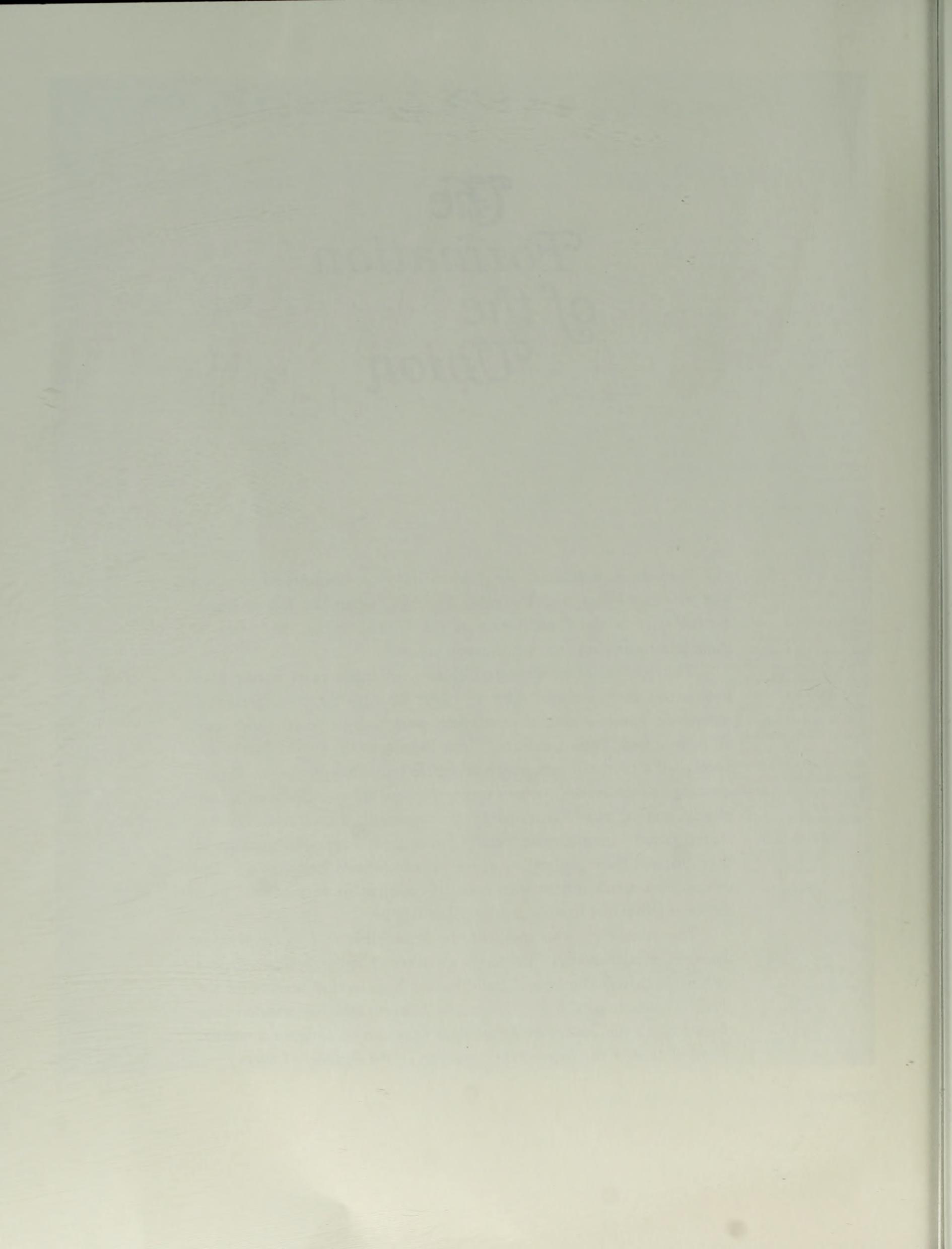
Josiah Bartlett  
W<sup>m</sup> Whipple  
Sam<sup>l</sup> Adams  
John Adams  
R<sup>t</sup> Treat Prince  
elbridge <sup>Jr.</sup> Gerry  
Step<sup>r</sup> Hopkins  
William Ellery  
Roger Sherman  
John <sup>Jr.</sup> Huntington  
Ab<sup>t</sup> Williams  
Oliver Wolcott  
Matthew Thornton

# *The Formation of the Union*

Between September 5, 1774, when the First Continental Congress met in Philadelphia, and December 15, 1791, when the Bill of Rights became part of the Constitution of the United States, the course of American history was set for centuries to come.

Thirteen small and separate Colonies—in many cases having little in common besides their fealty to Great Britain—declared themselves independent states, secured recognition from foreign powers and made an alliance with France, defeated Great Britain on the field of battle, and negotiated a treaty of peace with favorable territorial provisions. Experimenting and innovating as they went, the new States established a completely original non-colonial policy for territorial acquisitions. When a confederation—their earliest form of government—appeared inadequate, they changed their political structure, in peaceful revolution, to a federal union under man's first written national constitution with specific guarantees of individual freedom in the Bill of Rights.

The Americans who travelled this remarkable route were wise in the ways of politics after their long experience of virtual self-government within the British Empire and could boast a high level of literacy for the period in which they lived. The canny lawyers and businessmen they chose to lead the American Revolution were careful to leave a written record of most of the steps in the formation of the American Union.



*“...these united colonies...ought to be free...”*

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## The Grievances

Most American colonial subjects of the King of England were reasonably content with the position of the American Colonies in the British Empire before the end of the French and Indian War in 1763. Nearly all of the Colonies enjoyed near-autonomy under a governor appointed by the Crown, and they elected assemblies which made most local laws; the Navigation Acts which confined much colonial trade to British ports and British ships were not onerous and assured American merchants of a steady market. The advantages of belonging to the British Empire outweighed the disadvantages until the British Parliament decided to tax the colonists to pay for their recent defense against the French and Indians and for their future administration.

Several taxes, including the Stamp Act and the Townshend Acts, were levied, then repealed when Americans protested that only their own legislatures could tax them. Finally, however, the granting of a monopoly of the colonial tea market to the British East India Company brought matters to a head. When Bostonians staged the Boston Tea Party, staining the waters of their harbor with East India tea, Parliament retaliated with a series of laws called the Coercive Acts in England, but promptly labeled the “Intolerable Acts” in America. Among other things, the Acts closed the port of Boston and severely limited popular government in Massachusetts, striking at what Americans considered

their right to make their own laws. Fearing that the same treatment awaited any other colony which displeased Parliament, all the Colonies except Georgia sent delegates to Philadelphia to formulate a united stand on British colonial policy.



## The First Continental Congress

Few of the delegates to the First Continental Congress were considering independence from Great Britain as they took their seats in Carpenters' Hall in Philadelphia on the 5th of September 1774. Even though Massachusetts had sent such radical leaders as Samuel Adams and his cousin John Adams, the credentials of the Massachusetts delegates declared that the Congress was to “consult upon the present state of the Colonies, . . . and determine upon wise and proper measures, to be by them recommended to all the Colonies, for the recovery of their just rights & liberties, civil and religious, and the restoration of union and harmony between Great Britain and the Colonies. . . .”

Virtually the first order of business was a unanimous resolution on September 6 to appoint a committee “to state the rights of the Colonies . . . and

the means most proper to be pursued for obtaining the restoration of them." Two delegates from each colony made up the committee. Both Adamses were on it, along with Roger Sherman of Connecticut, John Jay of New York, and Richard Henry Lee and Edmund Pendleton of Virginia.

The Declaration of Rights (document 1), passed October 14, 1774, carried out the mandate to "state the rights of the Colonies." Following a long preamble detailing the grievances which had led to the meeting of the Continental Congress, there were 10 resolutions. Americans, they declared, were

'The good people of the several colonies of New Hampshire, Massachusetts-bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle Kent and Sussex on Delaware, Maryland, Virginia, North Carolina and South Carolina justly alarmed at these arbitrary proceedings of parliament and administration have severally elected, constituted and appointed deputies to meet and sit in general congress in the city of Philadelphia in order to obtain such establishment as that their religion, laws and liberties may not be subverted:

Whereupon the deputies so appointed being now assembled in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid do in the first place as Englishmen their ancestors in like cases have usually done, for ascertaining and vindicating their rights and liberties declare:

That the inhabitants of the English colonies in North America by the immutable laws of Nature, the principles of the English constitution, and the several charters or compacts have the following Rights:-

Resolved N.C.D. 1. That they are entitled to life, liberty & property: and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

Resolved N.C.D. 2. That our ancestors, who first settled these colonies were, at the time of their emigration from the mother country, entitled to all the rights, liberties and immunities of free and natural born subjects, within the realm of England.

Resolved

1. THE DECLARATION OF RIGHTS, October 14, 1774, PCC No. 1, Rough Journal of Congress, I: 44-46, RG 360, Records of the Continental and Confederation Congresses and the Constitutional Convention. 12 x 7 $\frac{1}{8}$  in.  
3 pages (pages 44 and 45 illustrated).

Resolved N.C.D.3. That by such emigration, they by no means forfeited, surrendered or lost any of those rights, but that they were, and their descendants now are entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved. 4. That the foundation of english liberty and of all free government is a right in the people, to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances cannot be properly represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner, as has been heretofore used and accustomed: But, from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members, excluding every idea of taxation internal or external for raising a revenue on the subjects in America without their consent:

Resolved N.C.D.5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law.

Resolved.

entitled to the same "rights, liberties, and immunities of free and natural-born subjects, within the realm of England" which their ancestors had enjoyed before emigrating to the colonies.

Resolution 4 presented the crux of the problem:

That the foundation of english liberty, and of all free government is a right in the people, to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: But, from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members excluding every idea of taxation internal or external for raising a revenue on the subjects in America without their consent.

The right of the colonists "peaceably to assemble, consider of their grievances, and petition the King" was also asserted, and the ninth resolution declared that "the keeping of a Standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against the law."

The Articles of Association (document 2), a nonimportation, nonconsumption, nonexportation agreement, was agreed upon on October 20 as "the means most proper . . . for obtaining restoration" of these rights. Effective December 1, 1774, no goods from Great Britain or Ireland were to be imported, and the slave trade was to be discontinued. Three months later, nonconsumption of British goods would begin, and, if the offending Intolerable Acts had not been repealed by September 10, 1775, nonexportation was to be instituted: all American merchants would thereafter refuse to sell American goods to the mother country.

The preamble of the Articles read in part:

We, his Majesty's most loyal subjects . . . affected with the deepest anxiety and most alarming apprehensions at those grievances and distresses, with which his Majesty's American subjects are oppressed, and having taken under our most serious deliberation the state of the whole continent find, that the present unhappy situation of our affairs is occasioned by a ruinous System of colony administration adopted by the British Ministry . . . evidently calculated for enslaving these colonies and with them the British Empire.

Then, after listing acts of Parliament to which the colonists objected, the preamble concluded:

To obtain redress of these grievances, which threaten destruction to the lives, liberty and property of his

Majesty's subjects in North-America we are of opinion, that a non-importation, non-consumption and non-exportation agree[ent] faithfully adhered to will prove the most speedy, effectual and peaceable measure: And therefore we do for ourselves and the inhabitants of the several colonies whom we represent firmly agree and associate under the sacred ties of virtue, honour and love of our country as follows.

After the preamble were listed 14 articles, including several that called for a condemnation of colonial merchants, shipowners, and others who should disregard the Articles, and for nonintercourse with any colony or province that should refuse to accede to or should violate the Articles of Association.

Several of the articles were designed to offset the economic dislocations that Congress realized were likely to occur. One article prohibited the sale of goods at rates higher than those that had prevailed "for twelve months last past"; another stated that

. . . we will in our several stations encourage frugality, economy and industry and promote agriculture, arts and manufactures of this country, especially that of wool, and will discountenance and discourage every species of extravagance and dissipation especially all horse racing and all kinds of gaming, cockfighting, exhibitions of plays, shews and other expensive diversions and entertainments. . . .

Other important provisions were that the committees of correspondence should inspect custom-house records and that every county, city, and town should elect a committee to observe "the conduct of all persons touching this association" and to publish the names of violators as "enemies of American liberty."

Committees of observation and inspection, promptly set up, did much to enforce the Articles. Even more important, they formed a well organized and powerful network which, after Lexington and Concord, was used to promote military as well as economic union.

The Association was adopted with great optimism regarding its effectiveness and was expected to bring Great Britain to terms in short order. Nonimportation agreements among merchants of individual colonies were credited with having forced Parliament to repeal both the Stamp Act and the Townshend Acts in the years between 1765 and 1770. Surely a boycott embracing 12 of the Thirteen Colonies would be even more successful.

When these two important documents had been signed, the First Continental Congress finished its other business quickly. It dispatched a petition to the King and sent addresses to the people of Great Britain, of North America, and of Quebec, stating the colonial position and soliciting support.

"The Congress then dissolved itself" on October

We, his Majestys most loyal subjects the Delegates of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties of New Castle, Kent and Sussex in Delaware, Maryland, Virginia, North Carolina and South Carolina, deputed to represent their respective continental Congress held in the city of Philadelphia on the fifth day of September 1774, avowing our allegiance to his Majestie, our affection and regard for our fellow subjects in Great-Britain and elsewhere, affected with the deepest anxiety and most alarming apprehensions at those grievances and disorders, with which his Majestys American subjects are oppressed, and having taken under our most serious deliberation the state of the whole continent find, That the present unhappy situation of our Affairs is occasioned by a vicious system of colony administration, adopted by the British Ministry about the year 1763 evidently calculated for enclosing these colonies and with them the British Empire. Imprecations of particularity & various acts of parliament have been passed for raising a Revenue in America, for depriving the American subjects in many instances of the constitutional trial by jury, exposing them to danger by striking a new and illegal trial beyond the seas of crimes alleged to have been committed in America: And in prosecution of the same system, several late evil and oppressive acts have been passed respecting the town of Boston and the Massachusetts-Bay, and also an act for colonizing the province of Quebec so as to border the western frontier of these colonies, establishing an arbitrary government therein and discouraging the settlement of British subjects in that wide extended country, then by the influence of evil principles and unfeigned偏見 prejudice to deprive the inhabitants to obstruct hostility against the free protestant colonies, whenever a wicked Minister shall chance to direct them.

To obtain redress of these grievances, which threaten destruction to the lives, liberty and property of his Majestys subjects in North America we are of opinion, that non-importation, non-consumption and non-exportation agreements faithfully adhered to will prove the most speedy, effectual, peaceful measure: And therefore we do for ourselves and the inhabitants of several colonies whom we represent firmly agree and associate under the sacred ties of virtue, honor and love of our country as follows.

1. That from and after the first day of December next we will not import into British America from Great-Britain, Ireland, any goods, wares or merchandise whatsoever or from any other place any such goods, wares or merchandise as shall be here exported from Great-Britain or Ireland; nor will we after that day import any East India tea from any part of the World, any Hollands, Syrups, pantries, liquors or specimens from the British Colonies or from America, nor Wine from Madeira in the Western Islands nor foreign Indigo.
2. That we will neither import nor purchase any slaves imported after the first day of December next, and after which time we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we have our agents nor all our connections or manufacturers to those who are concerned in it.
3. As a non-consumption agreement strictly adhered to will be an effectual security for the observance of the non-importation we are above solemnly agreed and associate, that from this day we will not purchase or buy any Tea imported or brought of the East India Company, any on which a duty hath or shall be paid; and from and after the first day of March next we will not purchase or buy any East Indian tea whatsoever, nor will we nor any person for or under us purchase or buy any of those goods, wares or merchandise we have agreed not to import, which we shall know or have cause to suspect were imported after the first day of December except such as come under the reasons and direction of the both articles hereafter mentioned.
4. The several states we have not to injure our fellow subjects in Great-Britain, Ireland or the West Indies endeavor unto suspend a non-exportation until the tenth day of September 1775: at which time if the said acts and parts of acts of the British Parliament are not repealed we will not directly or indirectly export any merchandise or commodity whatever to Great-Britain, Ireland or the West Indies except Rice to Europe.
5. Such as are merchants and in the British and Irish trade will give orders as soon as possible to their factors, Agents and correspondents in Great-Britain and Ireland not to ship any goods to them in any port or wharves where they can not be received in America; And if any merchant residing in Great-Britain or Ireland shall directly or indirectly ship any goods, wares or merchandise for America in order to break the non-importation agreement or in any manner & L.

foreign paper, glass and paint, also imported into America, and, without the power of the admiralty courts beyond their jurisdiction, against the American subjects of such by jury, and with the judges sufficient to increase fully the pecuniary fine damages, which he might otherwise be liable to from a trial by his peers, against opposition directly from a claimant of keeping goods stored, before he shall be allowed to defend his protest so required - and cancel that part of the Act of the 12th, 3rd, & 14th inst. which makes it a felony during his Majesty's dominions, magazines, ships, or caravans, and there by making any person charged with committing any of the offences therein described, in America, may be tried in any place as a court where the subject is resident. And until the further notice given in the last session of Parliament viz: that for stopping the port and blocking up the harbour of Boston - that for altering the charter and government of the Massachusetts Bay - and that which is called for the better administration of justice &c, and that for extending the limits of Boston & are repealed. And we recommend it to the provincial governments and to the commissioners in the respective colonies to establish such further regulations as they may think proper for carrying into execution this alteration.

The foregoing association being determined upon by the Congress, was ordered to be subscribed by the several  
members thereof and whereupon we have hereunto set our respective names accordingly.

In Congress, at Philadelphia, October 20. 1774.

(Continuation of Document 2)

26, but a resolution had been passed providing for the meeting of a Second Continental Congress on May 10, 1775, "unless the redress of grievances, which we have desired, be obtained before that time." Thus the First Continental Congress served notice that it did not consider itself an isolated protest meeting, but represented the beginning of a determined defense of American freedom.

Without conscious intention, the leaders of the American colonies had taken the first important step toward becoming the United States of America.



## The Revolutionary War: First Shots

While the First Continental Congress was seeking the peaceful restoration of the rights of the colonies within the British Empire, the farmers of Massachusetts were preparing for war. Companies of "minutemen" were secretly drilling, and arms and ammunition were being collected and hidden in anticipation of armed clashes with the British.

At the end of the French and Indian War, a standing army of British soldiers had been left in America for the first time in peacetime. In 1774, General Thomas Gage, the British Commander in Chief, was given the additional position of Royal Governor of Massachusetts and charged with the unpleasant duty of enforcing the punitive Intolerable Acts. Urged by the British Ministry to act against the unrepentant colonists by seizing the leaders, Gage reluctantly decided to send troops to arrest Samuel Adams and John Hancock, who had fled to Lexington, and to proceed to Concord to capture military stores known to be hidden there.

On the evening of April 18, 1775, General Gage's "secret" expedition of about 800 troops left Boston for Lexington and Concord. His plans were quickly discovered, and William Dawes and Paul Revere slipped out of the city on their famous rides to warn Adams, Hancock, and the people of the two towns.

When the British arrived at Lexington early

on the morning of April 19, a little band of minutemen under the command of Captain John Parker was drawn up on the village green to greet them. Parker's deposition describes his version of what happened thereafter:

I John Parker, of lawful Age, and Commander of the Militia in Lexington, do testify & declare that on the 19<sup>th</sup> Instant, in the Morning, about one of the Clock, being informed that there were a Number of Regular Officers riding up and down the Road, stopping and insulting People as they passed the Road, and also was informed that a Number of Regular Troops were on their March from Boston, in order to take the Province Stores at Concord, ordered our Militia to meet on the Common in said Lexington, to consult what to do, and concluded not to be discovered, nor meddle or make with said Regular Troops (if they should approach) unless they should insult or molest us—and upon their sudden Approach I immediately ordered our Militia to disperse and not to fire—Immediately said Troops made their Appearance and rushed furiously, fired upon and killed eight of our Party, without receiving any Provocation therefor from us. (Document 3.)

Following this skirmish, the British soldiers moved on to Concord where they found few military supplies to seize because the forewarned Americans had removed them to other hiding places. The entire day's expedition was costly to the British as they encountered one American militia unit after another, and made their way back to Boston under steady sniping. The Americans fought Indian style, firing on the British from behind trees and stone walls. At the same time, the Massachusetts Provincial Congress, a revolutionary body elected after the Royal Governor had dissolved the colonial legislature, realized that war had come at last. Fully aware that Massachusetts could not undertake to fight the British alone, it prepared an appeal for assistance (document 4) to be sent to the Continental Congress, enclosing Parker's deposition and 19 others. It called upon the Congress to establish an American Army to fight in "the cause of America."

Meanwhile, on May 10, 1775, the very day that the Second Continental Congress began its deliberations, Ethan Allen and his Green Mountain Boys, on their own initiative, surprised the British garrison at Fort Ticonderoga. By his own account Allen secured the surrender in the name of "the great Jehovah and the Continental Congress." Whether or not his recollection was accurate, the Second Continental Congress could no longer hope for an entirely peaceful settlement of colonial differences with England.



No. 4.

Lexington April 25<sup>th</sup>, 1775. [57]

I John Parker, of Lexington, and Commander of the Militia in Lexington, do testify & declare that on the 19<sup>th</sup> instant, in the Morning, about one of the Clock, being informed that there were a Number of Regular Officers riding up and down the Road, stopping and inflicting People as they passed the Road, and also was informed that a Number of Regular Troops were on their March from Boston, in order to take the Province Stores at Concord, ordered our Militia to meet on the Common in said Lexington, to consult what to do; and concluded not to be discovered, nor meddle or make with said Regular Troops (if they should approach) unless they should inflict or offend us. and upon their sudden Approach I immediately ordered our Militia to disperse and not to fire. Immediately said Troops made their Appearance and rushed furiously, fired upon and killed eight of our Party, without receiving any Provocation therefrom from us.

John Parker

3. THE BATTLE OF LEXINGTON. DEPOSITION BY CAPTAIN PARKER,  
April 25, 1775. PCC No. 65, Massachusetts State Papers, 1775-87, I: 17, RG 360.  
11 $\frac{1}{2}$  x 7 $\frac{1}{4}$  in. 1 page.

## The Second Continental Congress

The Second Continental Congress was, to all intents and purposes, the government of the United States from 1775 to 1788. Although its membership changed through the years, and it moved its meeting place from city to city during the Revolutionary

War and until 1785, it was essentially the same body which declared the United States independent, waged the war to make independence a fact, and, as "the United States in Congress Assembled," regularized its own activities as the national government by writing the Articles of Confederation. It finally dissolved itself when a new Constitution replaced the Articles in 1788.

Many members of the First Continental Congress reappeared in the Second, but several new delegates presented credentials. Notable among them was Benjamin Franklin of Pennsylvania, who had

Provincial Congress, Watertown, May 3<sup>rd</sup> 1775.

To the Honorable American Continental Congress, to be convened at Philadelphia on the tenth of May instant. —

May it please your Honours,

The Congress of this Colony, impelled with the deepest concern for their Country under the present critical and alarming state of its publick Affairs; being possessed with the most respectful submission, whilst acting in support of the cause of America to request the direction & assistance of your respectable Assembly —

The enclosed Petition containing the copies of Depositions which we have dispatched for London, also an Address to the Inhabitants of Great Britain, and a Letter to our Colony Agent Benjamin Franklin Esq<sup>r</sup>, are humbly submitted to your consideration —

The sanguinary Deal of the ~~imperial~~ Army to ruin and destroy the inhabitants of this Colony, in the opinion of the Comittee hath undid the Establishment of an independent State, indefatigable necessity — We have accordingly passed an unanimous Resolution for thirteen thousand six hundred men to be forthwith raised

4. APPEAL FOR ASSISTANCE FROM MASSACHUSETTS, May 3, 1775.  
PCC No. 65, I 1-3, RG 360 9<sup>1</sup>/4 x 7<sup>1</sup>/4 in. Signed by Joseph Warren, temporary President of the Provincial Congress of Massachusetts Bay Colony. 3 pages (page 1 illustrated).

Addressed To The Hon<sup>a</sup> the President of the American Continental Congress in Philadelphia Endorsed N<sup>o</sup> 1 Letter from the Congress of Massachusetts Bay to the continental Congress dated Watertown May 3, 1775 rec'd & read May 11<sup>th</sup>

In Assembly

May 6. 1775 A.D.

Resolved A. C. D.

That Benjamin Franklin Esq.<sup>r</sup> be, and  
he is hereby added to the Deputies appointed by this House  
to attend the Continental Congress expected to meet the 10<sup>th</sup> instant  
in this City

Resolved A. C. D.

That the Hon. <sup>Mr.</sup> Thomas Willing of Philadel-  
phia, and James Wilson Esq.<sup>r</sup> of Carlisle be also added to the  
said Deputies for this Province

Extract from the Journals

Chas Moore Esq.<sup>r</sup>  
of Assembly

5. CREDENTIALS OF PENNSYLVANIA DELEGATES TO THE SECOND  
CONTINENTAL CONGRESS, May 6, 1775, Misc. PCC, RG 360.  
 $9\frac{1}{4} \times 7\frac{1}{2}$  in. 1 page. The credentials of other Pennsylvania delegates besides Franklin,  
Willing and Wilson mentioned in the endorsement are separate documents.  
Endorsed: Credentials of Edward Biddle/John Dickinson/Thomas Mifflin/Cha  
Humphreys/John Morton/George Ross/Benj Franklin/Thomas Willing/James  
Wilson/Delegates for Pennsylvania/Read before the Congress May 11, 1775.

recently returned from London (document 5).

Gradually, almost imperceptibly, the Second Continental Congress took upon itself the responsibilities of a national government. The first dramatic decision, made only after days of debate, was the creation of a Continental Army. On June 14 a uniform method of enlistment was prescribed for

companies to be raised in Pennsylvania, Maryland, and Virginia: "I \_\_\_\_\_ have, this day, voluntarily enlisted myself, as a soldier, in the American continental army...." The next day the shrewd New Englander John Adams engineered the nomination and unanimous election of a Virginian, Colonel George Washington, as the general

The President informed Col<sup>t</sup>. Washington that the Congress had yesterday, unanimously made choice of him to be General Commander in Chief of the American Forces, and requested he would accept of that appointment; whereupon Col<sup>t</sup>. Washington, standing in his place, spoke as follows.

" M<sup>r</sup>? President,

" I am truly sensible of the high Honour done  
me in this Appointment, yet I feel great distress, from a ~~sense~~ <sup>consciousness</sup> that  
my abilities & military experience may not be equal to the ~  
extensive & important Trust. However, as the Congress desire  
I will enter upon the important duty, & exert every power I possess  
for their service & for the support of the glorious cause. I beg they  
will accept my most cordial thanks for this distinguished favor:  
of their approbation.

" But look some unfeeling countenance  
has given me pain & trouble to my reputation, They may be remembered  
by every Gent<sup>m</sup> in the room, that this day decline with the  
utmost sincerity, I do not think my self equal to the command.  
Honored m<sup>r</sup>.

" And pray, Sir, they have told me the Congress  
that no pecuniary consideration could have tempted me to  
have accepted this burdensome employment. I do not wish to make  
any pretension to it. I will keep an exact account of my expenses;  
those I doubt not they will discharge & that to all I deserve.

6. WASHINGTON'S ACCEPTANCE OF THE POST OF COMMANDER IN CHIEF, June 16, 1775, PCC No. 152, Letters from Gen. George Washington, Commander in Chief of the Army, 1775-84, I 1, RG 360. 11<sup>1</sup>/<sub>2</sub> x 7<sup>1</sup>/<sub>2</sub> in. 1 page  
In the hand of Edmund Pendleton, a delegate from Virginia, except for the phrase  
"at y<sup>e</sup> expence of my domes<sup>t</sup> ease & hap," which was interlined by Washington  
Endorsed Gen. Washington's answer to the Congress upon his Accepting the office

who should "command all the continental forces, raised, or to be raised, for the defence of American liberty."

Washington was officially informed of his election on June 16 by Peyton Randolph of Virginia, president of the Congress.

Whereupon Col<sup>o</sup> Washington, standing in his place, Spoke as follows.

"M<sup>r</sup> President,

"Tho' I am truly sensible of the high Honour done me in this Appointment, yet I feel great distress, from a consciousness that my abilities and military experience may not be equal to the extensive & important Trust: . . . .

"But lest some unlucky event should happen unfavourable to my reputation, I beg it may be remembered by every Gent<sup>m</sup> in the room, that I this day declare with the utmost sincerity, I do not think my self equal to the Command I [am] honoured with.

As to pay, Sir, I beg leave to Assure the Congress that as no pecuniary consideration could have tempted me to have accepted this Arduous emploiment at y<sup>e</sup> expence of my domes<sup>t</sup> ease & hap[iness] I do not wish to make any proffit from it: I will keep an exact Account of my expences; those I doubt not they will discharge & that is all I desire." (Document 6.)

Ten days later a Continental currency was established, and before the end of July a Post Office for the "United Colonies" was set up with headquarters in Philadelphia. Benjamin Franklin was unanimously chosen to be the first "postmaster General."



## British Response to American Petitions

When the Second Continental Congress began its deliberations, King George III had made no official reply to the petition for redress of grievances sent to him by the First Continental Congress. Parliament had sent to the colonial legislature an offer of conciliation with no real expectation that its terms would be accepted, and they were not.

The determination of the King and Parliament to take a hard line with the colonies became increasingly evident as news of proclamations and acts came across the Atlantic. In August 1775, the King issued a proclamation declaring that his Ameri-

can subjects were "engaged in open and avowed rebellion," and he opened Parliament in October with a speech asserting that "the rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire." Some Americans, like Samuel Adams, retorted that if the King thought they were fighting for independence, they might as well do so, but the majority of the Continental Congress still clung to the hope of reconciliation.

This hope dimmed when Parliament passed the American Prohibitory Act, described even by some members of Parliament as a "declaration of war" on America. It made all American vessels and their cargoes forfeit to the Crown "as if the same were the ships and effects of open enemies."

Finally, word reached the colonies that the King had negotiated treaties with German states to hire mercenaries to fight in America. George Washington secured copies of some of these agreements and sent them to Congress on May 23, 1776. Curiously, this action of the King—the hiring of Hessians—was what finally convinced many Americans that the mother country was indeed treating her colonies as a foreign country.



## Reluctant Steps Toward Independence

Still the Continental Congress did not rush headlong into independence. One at a time, the ties with the mother country were cut, and it was only after separation from England was virtually a fact that a declaration of independence was issued.

The Privateering Resolution that "inhabitants of these colonies be permitted to fit out armed vessels to cruize [sic] on the enemies of these United Colonies," was an early indication that the United Colonies were becoming a sovereign state or group of states. Passed in March 1776, it also established rules and regulations to govern prize cases expected to arise from the capture of "enemy" vessels (document 7).

Two weeks later, on April 6, the ports of America were opened to the commerce of the world

*Resolved* That the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these united colonies.

7. PRIVATEERING RESOLUTION, March 23, 1776, PCC No. 2, Transcript  
Journal of Congress, III: 382-383, RG 360. 12½ x 7¾ in. 2 pages (excerpt illustrated).

(document 8). Since the Association and the Prohibitory Act effectively prevented trade with Great Britain, commerce with other nations was an economic necessity. Nevertheless, this was a de facto declaration of economic independence, severing the closest ties of the British Empire, the Navigation Acts which had bound the colonies to the mother country in one closed market.

Meanwhile, individual colonies were applying to the Continental Congress for advice on setting up local governments as royal governors first dis-

solved legislatures and then, in many cases, fled the colonies. On May 10, the Congress resolved

That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general. (Document 9A.)

The bitter tone of the preamble adopted 5 days later to be published with this resolution showed

*Resolved* That any goods, wares and merchandise except slaves and empty casks other than broken or knocked down casks for molasses may be exported from the thirteen united colonies by the inhabitants thereof and by the people of all such countries as are not subject to the King of Great Britain to any parts of the world, which are not under the dominion of the said King:

*Resolved* That any goods, wares and merchandise, except such as are of the growth, production or manufacture of or brought from any country under the dominion of the King of Great Britain and except East India Tea, may be imported from any other parts of the world to the thirteen united colonies by the inhabitants thereof and by the people of all such countries as are not subject to the said King.

8. RESOLUTION OPENING AMERICAN PORTS TO WORLD COMMERCE, April 6, 1776, PCC No. 1, II: 58-59, RG 360. 12½ x 7¾ in. 2 pages (page 58 illustrated).

that the patience of even the most conservative and loyal members of the Congress was nearing an end.

Whereas his Britannic Majesty in conjunction with the lords and commons of great Britain has by a late act of Parliament excluded the inhabitants of these united colonies from the protection of his crown And whereas no answer whatever to the humble petitions of the colonies for redress of grievances & reconciliation with great Britain has been or is likely to be given; but the whole force of that Kingdom aided by foreign mercenaries is to be exerted for the destruction of the good people of these colonies, And whereas it appears absolutely irreconcileable to reason and good Conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue & good order as well as for the defence of their lives liberties and properties against the hostile invasions & cruel depredations of their enemies, therefore resolved &c. (Doc. 9B)

Little was now left of the structure of England's colonial empire on the American mainland between Quebec and Florida. The Thirteen Colonies were separated economically and politically from the mother country.

At the same time, the people were slowly becoming accustomed to the inevitability of independence as it began to be debated openly in the active colonial press. A pamphlet entitled *Common Sense*, written by Thomas Paine, denounced monarchy as "ridiculous" and called for independence because "there is something absurd, in supposing a Continent to be perpetually governed by an island."

Within months of its publication in January 1776, thousands of copies had been sold, helping to convince its readers that "the cause of America is the cause of mankind."

In April North Carolina instructed its Continental Congress delegates to "concur with the delegates of the other colonies in declaring independency," and on May 4 Rhode Island declared itself independent.

The British burning of Norfolk and a Tory uprising in North Carolina helped to crystallize colonial thought. The drive toward freedom rapidly gained momentum; by the middle of May eight colonies had decided that they would join in supporting independence. The Convention of Virginia took a significant step on May 15 by passing the following resolution:

Forasmuch as all the endeavours of the United Colonies by the most decent representations and petitions to the king and parliament of Great Britain to restore peace and security to America under the British government and a re-union with that people upon just and liberal terms instead of a redress of grievances have produced from an imperious and vindictive administration increased insult oppression and a vigorous attempt to effect our total destructions . . . .

Resolved unanimously, that the delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration . . . . (Document 10.)



*Resolved That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general.*  
*Resolved That a committee of three be appointed to prepare a preamble to the foregoing resolution*

*To . . . my dear Wm. D. Lee*

9A. RESOLUTION FOR THE FORMATION OF LOCAL GOVERNMENTS, May 10, 1776, PCC No. 2, III: 494, RG 360. 12 x 7 1/4 in. 1 page. (excerpt illustrated).

*follow.*

Whereas, his Britannic Majesty in conjunction  
with the lords and commons of Great Britain has by  
a late act of Parliament excluded the inhabitants of  
these United Colonies from the protection of his crown—  
And whereas, no answer whatever to the humble petitions  
of the colonies for redress of grievances or reconciliation  
with Great Britain has been or is likely to be given;  
but the whole force of that kingdom aided by foreign  
mercenaries is to be exerted for the destruction of  
the good people of these colonies, And whereas it  
appears absolutely unconceivable to reason and  
good conscience for the people of these colonies now  
to take the oaths and affirmations necessary for the  
support of any government under the crown of  
Great Britain, and it is necessary that the exercise  
of every kind of authority under the said crown  
should be totally suppressed and all the powers of  
government carried under the authority of the people  
of the colonies for the preservation of internal  
peace, virtue & good order as well as for the defense  
of ~~their~~ lives, liberties and properties against the  
hostile invasions & cruel depredations of ~~enemies~~  
therefore resolved as

Ordered that the Preamble with the resolution passed  
the 12<sup>th</sup> instant be published.

9B. PREAMBLE TO LOCAL GOVERNMENT RESOLUTION, May 15, 1776,  
PCC No. I, II: 149, RG 360, 12½ x 7¼ in. 1 page.

Resolved unanimously, that the delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free, and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the agent of this colony to such a declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances and a confederation of the colonies, at such time, and in such manner, as to them shall seem best. Provided, that the power of forming government for, and the regulation of the internal concerns of, each colony, be left to the respective colonial legislatures.

Resolved unanimously, that a committee be appointed to prepare a Declaration of Rights, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people.

A copy of  
John Sargent  
Chair of the Convention

10. VIRGINIA'S RESOLUTION INSTRUCTING ITS DELEGATES TO MOVE FOR INDEPENDENCE, May 15, 1776, Misc. PCC, RG 360. 14 $\frac{1}{8}$  x 9 $\frac{1}{8}$  in.  
2 pages (page 2 illustrated). Endorsed: Instructions given by the Convention of Virginia to their delegates./read 27. May 1776./May 15<sup>th</sup> 1776.

## The Lee Resolution for Independence

On the morning of June 7, Richard Henry Lee, in compliance with the instructions of the Convention of Virginia, rose in Congress and offered this resolution:

That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. (Document 11.)

Congress deferred action on this resolution until the following day and then, after debate, until June 10.

Many members of Congress expressed opposition to the Lee Resolution; they believed a declaration of independence to be premature. Other delegates felt they should have instructions from their colonies before voting on a question so momentous. Under these circumstances, on June 10 final action on the resolution was again postponed, for 3 weeks. Congress did, however, decide that "in the mean time least any time shd be lost in case the Congress agree to this resolution a committee be appointed to prepare a Declaration to the effect of the said first resolution."

Resolved ~~they do pass~~

11

That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

11. THE LEE RESOLUTION FOR INDEPENDENCE, June 7, 1776, PCC No. 23, Other Reports of Committees of Congress, 1776-88, I. 11, RG 360. 10 x 8 in. 1 page. Endorsed: June 7, 1776. N<sup>o</sup> 4/Resolutions moved June 7<sup>th</sup> 1776. referred for consideration/till to morrow. / respecting Independanc/ of the U.S

1776.

June 11.

Resolved That the committee for preparing the declaration consist of five

The members chosen W Jefferson, W Adams, M Franklin, W Sherman & W R R Livingston

Resolved That a committee be appointed to prepare & digest the form of a confederation to be entered into between these colonies

That a committee be appointed to prepare a plan of treaties to be proposed to foreign powers.

W Wilson and W Greenall as per above

12. APPOINTMENT OF THE COMMITTEE TO PREPARE THE DECLARATION June 11, 1776, PCC No. 2, IV 567, RG 360. 12<sup>1</sup>/2 x 7<sup>1</sup>/4 in. 1 page (excerpt illustrated).

the Com<sup>n</sup> of the whole Congress, to whom was referred the resolution and  
against the Declaration respecting independence! — 17

Resolved That these <sup>united</sup> colonies are and of right  
ought to be free and independent states;  
that they are absolved from all allegiance  
to the British crown and that all political  
connection between them and the state of  
Great Britain is and ought to be totally  
disolved

Report &c July 2. 1776.  
No 5 The resolution for  
independancy  
Agreed to July 2. 1776

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13. ADOPTION OF THE LEE RESOLUTION FOR INDEPENDENCE, July 2,  
1776, PCC No. 23, I: 17, RG 360. 12 $\frac{1}{8}$  x 7 $\frac{1}{8}$  in. 1 page. This document is the  
favorable report of the committee to which the Lee Resolution was referred, with the  
affirmative votes of 12 colonies listed at the right. Endorsed. Report &c July 2. 1776.  
No 5 /The resolution for independancy. Agreed to July 2<sup>d</sup> 1776.

The committee of five elected to prepare the Declaration of Independence included Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston (document 12).

The Lee Resolution was again before Congress for action on July 1. After considerable debate, the resolution was passed on July 2 by the votes of 12 colonies (document 13). New York's delegation cast no vote until the newly-elected New York Convention upheld the Declaration on July 9.

The Lee Resolution contained three parts: a declaration of independence, the formation of foreign alliances to win independence, and "a plan of confederation" to create a viable nation from the 13 States after independence. It took the next 5 years to implement this tripartite resolution.



## The Declaration of Independence

The first step in implementing the Lee Resolution was to issue the Declaration of Independence. Between June 11 and June 28 Jefferson drafted the Declaration, submitted the draft separately to Adams and Franklin, and then obtained the approval of the entire committee. The document was debated in Committee of the Whole for several days before it was "agreed to" on July 4. Then Congress ordered

That the declaration be authenticated & printed.

That the committee appointed to prepare the declaration superintend & correct the press.

That copies of the declaration be sent to the several assemblies, conventions & committees or councils of safety and to the several commanding officers of the continental troops; that it be proclaimed in each of the united states & at the head of the army.

The first printing of the Declaration was delivered to Congress on July 5 by John Dunlap, a Philadelphia printer. The title is simply "A Declaration By the Representatives of the United States of America. In General Congress assembled," and below the text appears only the statement, "Signed by Order and in Behalf of the Congress, John Hancock, President. Attest. Charles Thomson, Secretary," and the colophon of John Dunlap, Philadelphia (document 14).

New York having approved the Declaration on July 9, Congress ordered on July 19 that the Declaration be engrossed on parchment with a new title, "The unanimous declaration of the thirteen united States of America," and "that the same when engrossed be signed by every member of Congress." The engraver, probably Timothy Matlack, completed his work shortly thereafter, and "the declaration of independence being engrossed and compared at the table was signed" on August 2.

The printed copy of July 5 had borne only the name of John Hancock, President of the Congress, attested by Charles Thomson, Secretary. Hancock was the first to sign the engrossed parchment, in the center below the text. According to the custom of the time, the delegates began to sign at the right below the text, and their signatures were arranged according to the States they represented, beginning with the northernmost, New Hampshire, and ending with the southernmost, Georgia, at the left. Eventually 56 members of Congress affixed their signatures to the Declaration, though not all were present on August 2. As delegates who had been absent returned to Congress they signed the document. A few delegates, either from conviction or from negligence, did not sign at all.

The signers' names were not made public for some time, apparently because of the possibility of reprisal against individuals, who, in the eyes of Great Britain, were rebels and traitors. After Washington's victories at Trenton and Princeton, however, Congress on January 18, 1777, ordered that "an authenticated copy of the Declaration of Independence with the names of the members of Congress subscribing the same be sent to each of the United States."



IN CONGRESS, JULY 4, 1776.

# A DECLARATION

BY THE REPRESENTATIVES OF THE  
UNITED STATES OF AMERICA,  
IN GENERAL CONGRESS ASSEMBLED.

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them; a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness-- That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to erect a new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Form, to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inseparable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unaccustomed, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has abdicated the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Mistletoe of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us;

For protecting them, by a mock Trial, from Punishment for any Murder, which they should commit on the Inhabitants of these States;

For cutting off our Trade with all Parts of the World;

For imposing Taxes on us without our Consent;

For depriving us, in many Cases, of the Benefits of Trial by Jury;

For transporting us beyond Seas to be tried for pretended Offences;

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same into these Colonies;

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;

For suspending our own Legislatures, and declaiming themselves invested with Power to legislate for us in all Cases whatsoever;

He has abdicated Government here, by declaring us out of His Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and毁灭 the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every Stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

We have been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislatures to extend an Unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which, would inevitably interrupt our Correspondence and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rightitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are, and of Right ought to be, absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

Signed by ORDER and in BEHALF of the CONGRESS,

JOHN HANCOCK, PRESIDENT.

ATTEST.  
CHARLES THOMSON, SECRETARY.

PHILADELPHIA: PRINTED BY JOHN DUNLAP.

14. FIRST PRINTING OF THE DECLARATION OF INDEPENDENCE, July 4, 1776, PCC No. 1, III-94, RG 367, 18 x 14 1/4 in. Broadside. Printed by John Dunlap, Philadelphia. Wafered into the Rough Journal of the Congress for July 4.

## The First Foreign Alliance

Although the need for foreign aid was agreed upon in the Lee Resolution, the attempt to form foreign alliances was undertaken only after serious deliberation and weighing all foreseeable consequences. Therefore, a great deal of thought was given to the terms which the United States would be willing to accept in order to obtain alliances and commercial treaties. Benjamin Franklin, who had spent many years in England as a colonial agent, was a logical choice to be a member of a committee to draw up a "Plan of Treaties" (document 15); also on the committee were John Adams, Benjamin Harrison, John Dickinson, and Robert Morris.

The "Plan of 1776," adopted in September on the recommendation of this committee, was a model treaty to be used by agents of the United States when they approached European nations to negotiate treaties. All but one of the commercial treaties which the United States entered into during the 19th century were patterned after this plan.

Under detailed instructions from the Continental Congress, a three-man commission consisting of Benjamin Franklin, Silas Deane and Arthur Lee was assigned the task of negotiating treaties of commerce with other powers. At first the representatives were not instructed to seek military alliances, so averse was the Congress to becoming involved in future European wars; but this limitation was shortly lifted.

France was favorably disposed toward the Americans even before Franklin arrived in Paris. At the end of the French and Indian War in 1763, France, shorn of most of its empire, was overshadowed by Great Britain in every European chancellery. Humiliated, the French bided their time, hoping for revenge. They watched with interest the growing friction between Great Britain and the American colonies and the outbreak of revolution. In 1776, even before the colonies had declared their independence, France had secretly begun to supply them with aid, through a fictitious company headed by the romantic playwright, poet, and courtier, Pierre Augustin Caron de Beaumarchais. It was not, however, until the American victory in the Saratoga campaign that the French agreed to negotiate with the American diplomats as envoys of an independent power.

The British plan of campaign for 1777 was to cut off New England from the other States; General Sir William Howe was to ascend the Hudson River from New York and General John Burgoyne was

to proceed from Canada to meet him. The plan failed when the Americans under General Horatio Gates decisively defeated General Burgoyne's veteran troops near Saratoga on October 17 and forced his surrender. On the 18th, Gates proudly transmitted to Congress a copy of the generous surrender terms signed by Burgoyne (document 16).

This great Saratoga victory finally convinced France that an open military alliance with the United States would not be too much of a risk militarily and must be pushed through quickly if France was to reap benefits from the Anglo-American conflict. The Comte de Vergennes, the French foreign minister, was thoroughly alarmed when Benjamin Franklin informed him that the British Ministry was making unofficial conciliatory overtures to the American diplomats in France. Vergennes used this information to convince King Louis XVI and the rest of his ministers that it was essential for France to recognize the independence of the United States and enter into a formal alliance with the new nation if Great Britain was to be prevented from regaining her American empire.

On February 6, 1778, in Paris, Franklin, Deane, and Lee signed two pacts with the French. One was a treaty of commerce with terms almost identical to those specified by Congress in the Plan of 1776. The other was a military alliance (document 17). Not only the American determination to be free, but the compelling French resolution as well that Britain should be shorn of her colonies, is demonstrated in two important articles:

Art. 2. The essential and direct End of the present defensive alliance is to maintain effectually the liberty, Sovereignty, and independance absolute and unlimited of the said united States....

Art. 8. Neither of the two Parties Shall conclude either Truce or Peace with Great Britain... until the Independence of the united States Shall have been formally or tacitly assured by the Treaty or Treaties that shall terminate the War.

The military stores which had been secretly supplied by Beaumarchais helped to make the Saratoga victory possible, and the arrival of the gallant young Marquis de Lafayette in April 1777 as a volunteer in the cause of American freedom gave the army a dedicated leader. But the solid support of the professional army of Louis XVI under the command of the Comte de Rochambeau and the French Navy under Admiral de Grasse, sent to fulfill the terms of the Alliance of 1778, contributed more to the final victory for American independence.

The French alliance was the only military alliance made by the United States until it joined the United Nations in 1942.



Coll. of State Treaties 109. There Shall be a firm, inviolable, and universal Peace, and a true and  
 Coll. of Sea Laws 541. Sincere Friendship between the most Serene and mighty Prince, Lewis  
 the Sixteenth, the most Christian King his Heirs and Successors, and  
 the united States of America; and the Subject of the most Christian  
 King, and of the Said States; and between the Countries, Islands, Cities,  
 and Towns Situate under the Jurisdiction of the said Christian King  
 and of the Said united States, and every of them; and the People and  
 Inhabitants thereof of every degree; without Exception of Persons or  
 Places; and the Terms herein after mentioned shall be perpetual  
 between the most Christian King, his Heirs and Successors, and the Said  
 united States.

Art. 1. The Subjects of the most Christian King Shall pay no other Duties  
 or Imports in the Ports, Harbs, Roads, Countries, Islands, Cities,  
 or Towns of the Said united States, or any of them, than the Natives  
 thereof, or any Commercial Companies established by them or any  
 of them, Shall pay, but Shall enjoy all other the Right, Liberties, Privi-  
 leges, Immunities, and Exemptions in Trade, Navigation and Com-  
 merce in passing from one Part thereof to another, and in going to  
 and from the same, from and to any Part of the World, which the  
 Said Natives, or Companies enjoy.

Art. 1. The Subjects, People and Inhabitants of the Said united States and every of them  
 Shall pay no other Duties, or Imports in the Port, Harbs, Roads, Countries,  
 Islands, Cities, or Towns of the most Christian King, than the Natives of  
 such Countries, Islands, Cities, or Towns of France, or any commercial  
 Companies established by the most Christian King Shall pay, but Shall  
 enjoy all <sup>other</sup> the Right, Liberties, Privileges, Immunities and Exemptions

Should there not be an  
 option of Asia, and  
 beyond Africa.  
 Art. 2. in Trade, Navigation and Commerce, in passing from one Part thereof  
 to another, and in going to and from the same, from and to any Part  
 of the world, which the Said Natives, or Companies enjoy.

15A. "PLAN OF TREATIES," ADAMS' DRAFT, PCC No. 47, Articles of  
 Confederation, With Plans and Drafts of Treaties and Other Miscellaneous Papers,  
 1775-84, pp. 129-135, RG 360. 12½ x 8 in. In the hand of John Adams,  
 a member of the Committee Appointed to Prepare a Plan of Treaties, with marginal  
 notes indicating the sources he had consulted and the action of the Congress on each  
 proposed Article. 6 pages and endorsement (page 129 illustrated). Endorsed:  
 Plan of Treaties.

**T**HREE shall be a firm, inviolable, and universal peace, and a true and sincere friendship between A. and B. and the subjects of A. and of B. and between the countries, islands, cities and towns situate under the jurisdiction of A. and of B. and the people and inhabitants thereof of every degree, without exception of persons or places; and the Terms herein aforesaid mentioned shall be perpetual between A. and B.

I. The subjects of A. shall pay no other duties or imposts in the ports, havens, roads, countries, islands, cities or towns of B. than the natives thereof or any commercial Companies established therein shall pay, but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade navigation and commerce, in passing from one part thereof to another, and in going to and from the same, from and to any part of the world, which the said natives or Companies enjoy.

II. The subjects of B. shall pay no other duties or imposts in the ports, havens, roads, countries, islands, cities or towns of A. than the natives thereof or any commercial Companies established therein; but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce in passing from one part thereof to another, and in going to and from the same from and to any part of the world, which the said natives or Companies enjoy.

III. A. shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects and people of B. being in his ports, havens or roads, or on the seas, or near to his countries, islands, cities or towns, and to recover and restore to the right owners, their agents or attorneyes, all such vessels and effects which shall be taken within his jurisdiction; and his ships of war or any convoys sailing under his authority shall upon all occasions take under their protection all vessels belonging to the subjects or people of B. and holding the same course or going the same way, and shall defend such vessels so long as they hold the same course or go the same way against all attacks, force and violence, in the same manner as they ought to protect and defend vessels belonging to the subjects or people of A.

IV. In like manner B. and his ships of war, and convoys, sailing under his authority, shall protect and defend all vessels and effects belonging to the subjects or people of A. and endeavour to recover and restore them, if taken within his jurisdiction.

V. A. and B. shall not receive nor suffer to be received into any of their ports, havens, roads, countries, islands, cities or towns, any pirates or sea robbers, or afford or suffer any entertainment, assistance or provision to be afforded to them, but shall endeavour by all means that all pirates and sea robbers and their partners, sharers and abettors be found out, apprehended and suffer condign punishment; and all the vessels and effects piratically taken and brought into the ports or havens of A. or B. which can be found, altho' they be sold, shall be restored or satisfaction given therefor to the right owners, their agents or attorneys demanding the same and making the right of property to appear by due proof.

V. A. and B. shall not receive nor suffer to be received into any of their ports, havens, roads, countries, islands, cities or towns, any pirates or sea robbers, or afford or suffer any entertainment, assistance or provision to be afforded to them, but shall endeavour by all means that all pirates and sea robbers and their partners, sharers and abettors be found out, apprehended and suffer condign punishment; and all the vessels and effects piratically taken and brought into the ports or havens of A. or B. which can be found, altho' they be sold, shall be restored or satisfaction given therefor to the right owners, their agents or attorneys demanding the same and making the right of property to appear by due proof.

VI. A. shall protect, defend and secure, as far as in his power the subjects or people of B. and their vessels and effects of every kind, against all attacks, assaults, violences, injuries, depredations or plunderings by or from the King or Emperor of Morocco or Fez, and the States of Algiers, Tunis and Tripoli, and any of them, and every other prince, state and power on the coast of Barbary in Africa, and the subjects of the said Kings, Emperors, &c. in as full a manner, &c.

VII. If, in consequence of this Treaty, the —— of —— should declare war against A. the said B. shall not assist —— with men, money, ships, or any of

VIII. In case of any war between A. and ——, A shall never invade, nor attempt to invade or get possession for himself of ——, nor any of the countries, cities or towns on the Continent of ——, nor of the Islands of "—", nor any other island lying near to the said Continent, in the seas, or in any gulph, bay, or river thereof, it being the true intent and meaning of this Treaty, that the said B. shall have the sole, exclusive, undivided and perpetual possession of all the countries

shall have the sole, exclusive, undivided and perpetual possession of all the countries, cities and towns on the said Continent, and of all islands near to it, whenever the same can be invaded and conquered by B, or shall in any manner subordinate be confederated with B.

15B. "PLAN OF TREATIES," REPORT OF THE COMMITTEE APPOINTED TO  
PREPARE A PLAN OF TREATIES, July 18, 1776, PCC No. 47, pp. 161-165,  
RG 360. 12 $\frac{1}{2}$  x 8 $\frac{1}{4}$  in. Printed report with marginal notes in the hand of  
James Wilson of Pennsylvania. 5 pages (page 161 illustrated).

Camp at Saratoga 18<sup>th</sup> Oct: 1777.

Sir

I have the Satisfaction to present  
Your Excellency with, This Convention of Saratoga  
By which the Vicissitudes of Lieutenant General  
Burgoyne, has Unveiled Himself, & his whole  
Army into my Hands, & they are now upon  
Their March to Boston in This Signal, and  
Important Event, so very glorious, as it  
was effected with so little loss to the Army of  
The United States.

I am Sir

Your Excellency

most Obedient

Humble Servt

Horatio Gates



16. GENERAL GATES' ANNOUNCEMENT OF BURGOYNE'S SURRENDER AT SARATOGA, October 18, 1777. PCC No. 154, Letters from Maj. Gen. Horatio Gates, 1775-82, I: 278-279, RG 360. 12½ x 7½ in. Signed by General Gates with surrender terms enclosed. 2 pages (1 page and signature of letter illustrated). Letter endorsed. N° 32 Letter from gen<sup>t</sup>l Gates Saratoga Oct<sup>r</sup> 18. 1777 with copy of convention (read the 31<sup>st</sup>). Surrender terms endorsed. Copy Capitulation between M. Gen<sup>t</sup>l Gates & L<sup>t</sup> Gen<sup>t</sup>l Burgoyne Dated Saratoga Oct<sup>r</sup> 16<sup>th</sup> 1777.

# Treaty of Alliance

The most Christian King and the United States of North America - - - - - New-hampshire, Massachusetts Bay, Plata-junior & l'Amérique septentrionale, Rhode Island, Connecticut, New-york, New-Jersey, New-Jerry, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of unity and amity for the reciprocal advantages of their subjects and citizens have thought it necessary to take into consideration the means of strengthening their engagements and of rendering them useful to the safety and tranquillity of the two parties, particularly in case Great Britain or a remnant of her connection and of the pro. independence which is the object of the alliance should bear a hostile fit to either, either by direct hostility, or by hindring commerce and navigation, in a manner contrary to the rights of all men and the law of nations, between the two friends in this alliance in the said united states, having resolved at last to do their duty in effecting and securing of their common weal, the reciprocal advantages, immunities, and powers to meet the exigencies of any just cause proper to fulfil the said

# (Traité d'alliance eventuelle et défensive)

Le Roi des Chrétiens et des  
colonies, à savoir New-Hampshire, la  
Baye de Massachusetts, Rhode Island  
Connecticut, New-York, New-Jersey,  
Pennsylvanie, Delaware, Maryland,  
Virginie, nation expéditionnaire ;  
Caroline Nationale et Georgie ;  
ayant souhaité ce jourd'hui un Traité  
d'amitié, de bonne intelligence et  
de commerce, pour l'avantage et  
sécurité de leurs sujets, et  
à l'avenir, de mutualiser leurs  
enrichissements et renomme  
pour utiliser à la paix et la  
prospérité de deux parties, notamment  
Dans le cas où la grande Bretagne  
ou toute autre puissance  
se trouverait à rompre le plus vaste  
commerce, et en attaquant de  
frontalement, ou en bombardant avec  
immense destruction, une  
mauvaise partie au fait de  
la paix, rétablissons entre les  
deux personnes, à la Majesté

17. THE TREATY OF ALLIANCE WITH FRANCE, February 6, 1778.  
American Original, Treaty Series No. 82, RG 11, General Records of the  
United States Government. 15<sup>1/2</sup> x 12<sup>1/2</sup> in. 7 pages (pages 1 and 7 illustrated).  
Text in French and in English.

Intensions, have after the most mature Deliberation, concluded and determined on the following Articles.

Art. 1.  
If war should break out between France and Great Britain, during the continuance of the present war between the United States and England, his Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of Conjunctions as becomes good & faithful allies.

Art. 2.  
The essential and direct end of the present defensive alliance is to maintain effectually the liberty, Sovereignty, and independence absolute et inépendance, absolement illimitée and unlimited of the said United States over all their dominions, tant en matière de politique que de commerce.

Art. 3.  
The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the

et les dits Etats-unis ayant résolu éventuellement d'inier, dans le caractère leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les Plénipotentiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, apres la plus mure délibération, conclu et arrête ces points et articles qui s'ensuivent.

#### Article premier.

Si la guerre éclate entre la France et la Grande Bretagne pendant la durée de la guerre actuelle entre les dits unis et l'Angleterre, Majesté et les dits Etats-unis feront cause commune et s'aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsi qu'il convient à de bons et fidèles alliés.

#### Article second.

Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberté, la souveraineté, et indépendance absolue et inépendance, absolement illimitée et unlimited of the said United States over all their dominions, tant en matière de politique que de commerce.

#### Article trois.

Les deux parties contractantes feront chacune de leur côté, et de la manière qui les jugeront plus convenable à leur

nor if possible).  
In faith whereof the respective  
Comptoiraries, having the  
part of the most Christian King (respectif, à savoir de la part du Roi)  
Alexander Gorden, son Gendre Don Chretien le P. Comte, Alexandre  
of the City of Chastropoli, the Mayor Gerard d'Indie royal de la ville de  
of his Majestys Council of the Starbourg et Secrétaire du Conseil des  
and the part of the United  
States Benjamin Franklin  
Deputy to the General Congress  
from the State of Pennsylvania  
and President of the Convention  
of the same state, John Deane  
before Deputy from the State  
of Connecticut of Arthur Lee son  
author at Law have signed the  
above Articles written in the French  
and English Languages divers language  
whereby it shall be given to  
Treaty was originally composed  
and concluded in the French  
Language, and they have  
hereunto affixed their Seals  
Done at Paris this tenth Day of  
February one thousand seven hundred  
and seventy eight.

John Adams

Benjamin Franklin

six mois ou plusôt, se faire séparer  
(à soi de quidam les Plénipotentiaires)  
Richard Corneille, son Gendre  
et le City of Chastropoli, le Mayor Gerard d'Indie royal de la ville de  
of his Majestys Council of the Starbourg et Secrétaire du Conseil des  
de Sa Majesté, et de la part des Etats  
Etats unis, signé le 10<sup>e</sup> Benjamin Franklin  
Député au Congrès général de la part  
de l'Etat de Pennsylvanie et Président  
de la Convention du même Etat, John  
Deane (y devant Député de l'Etat de  
Connecticut et Arthur Lee Conseiller  
à la Cour (is écrit tout à l'envers les articles ci-  
dans en langue françoise qu'en  
langue anglaise, déclarant néanmoins  
que le present Traité sera originallement  
rédigé et écrit en langue françoise),  
et il sera tenu comme du cachet de la  
armes.

Fait à Paris le dixième  
de Février mil sept cent soixante et  
sept ans.

Arthur Lee

## A Plan of Confederation

On the same June day in 1776 when the Continental Congress appointed a committee to draft a declaration of independence and another to prepare a plan of treaties, it also decided to appoint a committee to implement the third part of the Lee Resolution, "to prepare and digest the form of a confederation to be entered into between these colonies."

This was not the first time confederation had been proposed in the Continental Congress. In the First Continental Congress, Joseph Galloway, a conservative merchant from Philadelphia desperately anxious to heal the breach between Great Britain and her colonies, proposed a plan of union which would have made a permanent institution of an American Congress and carefully defined its relationship to the British Parliament. Galloway's plan was rejected, and no record of it was entered in the Journal of the Congress.

Again in July 1775, a year before independence was declared, Benjamin Franklin outlined a plan of union. Although it was entitled "Articles of Confederation and Perpetual Union," it made a conciliatory gesture toward Great Britain in providing for a temporary confederation until Britain's differences with the American colonies were reconciled. Only if reconciliation failed would confederation become permanent. The plan for a confederacy, to be called the United Colonies of North America, would have established an elected assembly with power to declare war, form alliances, appoint ambassadors, control the armed forces, settle intercolonial disputes, and deal with general questions of trade. Expenses would have been met from a common treasury, supplied by funds from the Colonies, whose legislatures would have had the sole right to levy taxes. Congress, however, was not yet ready for any plan of confederation and Franklin's scheme was forgotten for nearly a year.

Once independence was under serious consideration, however, a committee made up of one member from each of the Thirteen Colonies was named to determine the form of a confederation. John Dickinson, who dominated the committee, had become famous in 1768 as the writer of *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies* protesting the taxes imposed by the Townshend Acts on the grounds that Parliament had no authority to tax the colonies in any way. In 1776 he was a delegate from Delaware.

The Dickinson Draft of the Articles of Con-

federation (document 18) was ready for consideration on July 12. Article I stated:

The name of this Confederacy shall be "The United States of America."

It provided for a Congress in which each State was represented in proportion to its population, but the smaller States were strongly opposed to this system. There was also vigorous resistance to the clause of the Dickinson Draft which would have assigned to the national government all powers not specifically reserved to the States. Having just declared themselves independent of a distant centralized control by King and Parliament, the new States were not yet ready to create a strong central government in America.

It was not until July 9, 1778, that the final form of the Articles of Confederation was accepted and an engrossed copy (document 19) was prepared for signature by the delegates. Eight States had instructed their delegates to sign the Articles by that day; on February 22, 1779, when Delaware's delegates signed, all the States but Maryland had ratified the agreement for confederation.

Sometimes called "the first constitution of the United States," the Articles of Confederation were in many ways more like a treaty among a group of small nations than a true frame of government. Each State expressly retained

its sovereignty, freedom and independence, and every Power, Jurisdiction and right, . . . not by this confederation expressly delegated to the United States, in Congress assembled.

Every State had one vote in Congress, regardless of its geographic area or population. Congress was legally given the powers it had been exercising during its existence since 1775: the "United States in Congress assembled" could make war and peace, send and receive ambassadors, enter into treaties and alliances, coin money, regulate Indian affairs, and establish a post office. It could not levy taxes or regulate commerce. There was no national executive and no system of national courts. The Articles could be amended only by unanimous vote, and the Confederation was not to come into being until all 13 States had ratified.

Maryland's ratification was withheld until February 2, 1781. A small State cut off from expansion to the West by the territory of Virginia and Pennsylvania, Maryland was apprehensive about joining a confederation in which some States claimed land extending to the Mississippi River, or even to the Pacific. Gradually, other States bowed to Maryland's insistence. In 1780, New York ceded her western land claims to the United States, and Congress in accepting them passed a very important

Articles of Confederation and  
perpetual Union between the  
<sup>States,</sup> of New Hampshire or  
at Concord aforesaid  
Day of July 1776

Art. 1 The Name of this Confederacy  
shall be "The United States  
of America".

State.

Art. 2<sup>d</sup> The said Colonies, notwithstanding  
any power to be derived by any joint  
resolution, and hereby severally  
enter into a firm League of Friendship  
with each other, for their common  
Defence, the Security of their  
Liberties, and their mutual and  
general welfare, binding <sup>themselves</sup> <sub>each</sub> <sup>Colonies</sup> to assist one another against  
all force offered to or attacks made  
upon them or any of them, on  
account of Religion, Sovereignty,  
Trade, or any other Pretence whatever.

Should not the first article provide  
for a Colonization and est<sup>t</sup> Establishments  
one after the mode

Article 3. Each Colony shall retain and enjoy  
its sole and exclusive Right to regulate its  
internal Police, in all Manner that  
does not interfere with the Articles of  
this Confederation.

18. THE ARTICLES OF CONFEDERATION. DICKINSON'S DRAFT, July 12, 1776, PCC No. 47, pp. 9-20, RG 360. 12½ x 8 in. In the hand of John Dickinson, 12 pages (page 1 illustrated). Endorsed Report of Articles of Confederation in the handwriting of M<sup>r</sup> J. Dickinson. The com<sup>ee</sup> M<sup>r</sup> Bartlet, M<sup>r</sup> S. Adams M<sup>r</sup> Hopkins M<sup>r</sup> Sherman M<sup>r</sup> R R Livingston M<sup>r</sup> Dickinson M<sup>r</sup> M<sup>r</sup> Kean M<sup>r</sup> Stone M<sup>r</sup> Nelson M<sup>r</sup> Hewes M<sup>r</sup> E. Rutledge M<sup>r</sup> Gwinnett app'd 12 June 1776. Delivered July 12, 1776

# To all to whom

these Presents shall come, we the under signed Delegates of the States  
affixed to our Names send greeting. We the Delegates of the United States of America in Congress assembled, did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in the Words following, viz:

Article I. The Name of this confederacy shall be "The United States of America."

Article II. Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and Right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Article III. The said states hereby severally enter into a firm League of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatsoever.

Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided

19. THE ENGRAVED ARTICLES OF CONFEDERATION, July 9, 1778, PCC No. 47, RG 360. 23½ x 15¾ in. Document eventually signed by delegates from 13 States. Parchment sheets stitched together and fastened to a wooden roller. 6 pages, (parts of pages 1 and 6 illustrated). Endorsed. Act of Confederation/of/ The United States of America.

any alteration of any part, and the union may be perpetual; nor shall  
any alteration at any time hereafter be made in any of them; unless such  
alteration be agreed to in a congress of the united states, and be afterwards con-  
firmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World  
to incline the hearts of the legislators we respectively represent in congress, to  
approve of, and to authorize us to ratify the said articles of confederation and perpetual  
union. Know Ye that we the under-signed delegates, by virtue of the power  
and authority to us given for that purpose, do by these presents, in the names  
and in behalf of our respective constituents, fully and entirely ratify and confirm  
each and every of the said articles of confederation and perpetual union, and all  
and singular the matters and things therein contained. After the signature  
Solemnly plight and engage the faith of our respective constituents, that they  
shall abide by the determinations of the united States in congress assembled,  
in all questions, which by the said confederation are submitted to them.

And that the articles thereof shall be inviolably observed by the states we  
respectively represent; and that the union shall be perpetual. In witness  
whereof we have hereunto set our hands in Congress. Done at Philadelphia  
in the state of Pennsylvania the ninth Day of July in the Year of  
our Lord one thousand Seven Hundred and Seventy-eight, and in the  
ninety year of the Independence of America.

In the presence  
of the  
State of Delaware  
in the presence  
of the  
State of  
Maryland

the Ninth Day of July  
A.D. 1778  
John Jay  
for the State of New York

On the part & behalf  
of the State of Rhode Island & Providence  
Plains

On the part & behalf  
of the State of Virginia

On the part & behalf  
of the State of Maryland

On the part & behalf  
of the State of Connecticut

On the part & behalf  
of the State of Massachusetts

On the part & behalf  
of the State of New Hampshire

On the part & behalf  
of the State of New Jersey

On the part & behalf  
of the State of North Carolina

On the part & behalf  
of the State of South Carolina

On the part & behalf  
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resolution (document 20). Rejecting a colonial system for lands to be acquired by the United States, it declared that these lands

shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States which shall become members of the federal Union and have the same rights of Sovereignty freedom and independence as the other states.

Only after Virginia ceded her claims on January 2, 1781, was Maryland willing to ratify the Articles of Confederation. At last the Second Continental Congress ended its long extra-legal status and became the Congress of the Confederation.



1780  
Oct: 10

Resolved That the unappropriated lands that may be ceded or relinquished to the United States by any particular state pursuant to the recommendation of Congress of the 6 day of September last shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States which shall become members of the federal Union and have the same rights of Sovereignty freedom and independence as the other states.

20. RESOLUTION FOR EQUAL STATEHOOD FOR ACQUIRED TERRITORY, October 10, 1780, PCC No. 1, XXIX (unpaged), RG 360. 12 $\frac{1}{2}$  x 8 in. 2 pages (excerpt illustrated).

## Victory and Independence

Although the independence of the United States had been recognized by France and the Netherlands when they entered into commercial treaties with the new republic in 1778 and 1782, it still had to be won by military victory and treaty from England. Only after Great Britain conceded the independence of her former colonies would the United States of America be admitted to the family of nations by most of the other governments of the world.

In October 1781 the Americans enjoyed the rare good fortune of having enough men, supplies, and naval power in the right place at the right time. The British had attempted to separate the southern from the northern States. After a costly victory at Guilford Court House Lord Cornwallis concen-

trated his forces at Yorktown, where he hoped to receive reinforcements and supplies from the British fleet. The timely arrival of Admiral de Grasse with the French fleet in Chesapeake Bay, however, dashed this hope. Meanwhile, General Washington had moved his own troops rapidly southward to join other forces near Yorktown. Helpless under the combined land siege and sea blockade, Cornwallis on October 17 agreed to capitulate. In his letter announcing the surrender, Washington wrote:

I have the Honor to inform Congress, that a Reduction of the British Army under the Command of Lord Cornwallis, is most happily effected—The unremitting Ardor which actuated every Officer & Soldier in the combined Army on this Occasion, has principally led to this Important Event,—at an earlier period than my most sanguine Hopes had induced me to expect....

On the 17th instant, a Letter was received from Lord Cornwallis, proposing a Meeting of Commissioners, to consult on Terms for the Surrender of the Ports

Head Quarters near York 19<sup>th</sup> Octo 1781.

From

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I have the Honor to inform Congress, that a Reduction of the British Army under the command of Lord Cornwallis, is most happily effected — the unrelenting valor which actuated every Officer & Soldier in the combined Armies on this occasion, has principally led to this Important Event, — at an earlier period than my most sanguine Hopes had induced me to expect. — The singular spirit of emulation, which animated the whole Army from the first commencement of our Operations, has filled my Mind with the highest pleasure & satisfaction — and has given me the happiest messages of success. —

In the 17<sup>th</sup> instant, a Letter was received from Lord Cornwallis, proposing a Meeting of Commissioners, to consult on time for the convening of the Ports of York & Gloucester — This letter, the first which had passed between us, I opened a fortnight ago, — a copy of which I do myself the Honor to inclose, that concurrence was followed by the Definitive Capitulation, which was agreed to, & signed on the 19<sup>th</sup> copy of which is also herewith transmitted —

21. WASHINGTON'S ANNOUNCEMENT OF VICTORY AT YORKTOWN, October 19, 1781, PCC No. 152, X 289-292, RG 360. 12 $\frac{1}{2}$  x 8 in. Letter signed by Washington. 4 pages (page 1 illustrated). Endorsed: Ent'd Page 5, Letter from Gen'l Washington/October 19<sup>th</sup> 1781./read 24<sup>th</sup>/Reduction of y<sup>e</sup> British Army under y<sup>e</sup> Command of Lord Cornwallis. referred to M<sup>r</sup> Randolph/M<sup>r</sup> Boudinot/M<sup>r</sup> Barnum/M<sup>r</sup> Carroll

Definitive treaty of peace with G. Britain

3 Sept. 1783

Duplicate

In the Name of the most  
Holy and undivided Trinity:

It having pleased the Divine Providence to dispose,  
the Hearts of the most Serene and most potent Prince George  
the Third, by the grace of God, King of Great Britain, France  
and Ireland, Defender of the Faith, Duke of Brunswick and  
Luneburg, Arch Treasurer and Prince Elector of the Holy Roman  
Empire &c. And of the United States of America, to forget  
all past Misunderstandings and Differences that have unhap-  
pily interrupted the good Correspondence and Friendship which  
they mutually wish to restore, and to establish such a Beneficial  
and satisfactory Intercourse, between the two Countries upon  
the Ground of reciprocal Advantages and mutual convenience  
as may promote and secure to both perpetual Peace & Harmony,  
and having for this desirable End already laid the Foundation  
of Peace and Reconciliation, by the Provisional Articles signed  
at Paris on the 30<sup>th</sup> of November 1782, by the Commissioners  
empowered on each Part, which Articles were agreed to be  
inserted in and to constitute the Treaty of Peace proposed  
to be concluded between the Crown of Great Britain &

22. THE TREATY OF PARIS, September 3, 1783, American Original (duplicate),  
TS 104, RG 11, 14½ x 9½ in. 9 pages (pages 1 and 9 illustrated).  
Endorsed: Definitive treaty of peace with G. Britain/3 Sept. 1783

## Article 10.

The solemn Ratifications of the present Treaty, expedited in good and due Form shall be exchanged between the contracting Parties in the space of six Months or sooner, if possible, to be computed from the Day of the Signature of the present Treaty, in witness whereof We the undersigned their Ministers Plenipotentiary have in their Name and in Virtue of our full Powers, signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affixed thereto.

I Done at Paris, the third Day of September  
In the Year of our Lord one thousand seven hundred  
and Eighty three.

J Hartley

John Adams.

B Franklin

John Jay

of York & Gloucester—This Letter, (the first which had passed between us) opened a Correspondence,—a Copy of which I do myself the Honor to inclose, that Correspondence was followed by the Definitive Capitulation, which was agreed to, & signed on the 19<sup>th</sup> Copy of which is also herewith transmitted—and which I hope, will meet the Approbation of Congress.

I should be wanting in the feelings of Gratitude, did I not mention on this Occasion, with the warmest Sense of Acknowledgments, the very chearfull & able Assistance, which I have received in the Course of our Operations, from his Excellency the Count de Rochambeau, and all his Officers of every Rank, in their respective Capacities.—Nothing could equal this Zeal of our Allies, but the emulating Spirit of the American Officers, whose Ardor would not suffer their Exertions to be exceeded. (Document 21.)

The surrender of Cornwallis and British military reverses elsewhere led to the fall of the British Ministry, and in March 1782 the way was open for peace negotiations. Although Congress appointed a five-man commission to go to Paris for this purpose, the principal peacemakers were Benjamin Franklin, John Adams, and John Jay. The other two appointees were Thomas Jefferson, who was unable to leave the United States, and Henry Laurens of South Carolina, who was not released from the Tower of London where he was a British prisoner in time to play a very significant role in the negotiations.

Preliminary articles of peace were signed in November 1782, and in September of the following year the final treaty was signed at Paris. What is known as the American Revolution was in reality a world war involving not only England, the United States and its ally France, but also Spain and the

Netherlands. On the same day that the Treaty of Paris (document 22) was signed between England and the United States, treaties were also signed between England and each of the other belligerents. The whole group of treaties formed the Peace of Paris of 1783.

The most important article of the Treaty of Paris was the first one:

His Britannic Majesty acknowledges the said United States . . . to be free Sovereign & independant States . . .

In addition, it provided that the territory of the United States should extend westward to the Mississippi River, southward to Florida, and northward to an ill-defined river and lakes boundary with Canada. Two other articles were of vital interest to Americans:

Article 3d It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every Kind on the Grand Bank, and on all the other Banks of Newfoundland, also in the Gulph of Saint Lawrence and at all other Places in the Sea, where the Inhabitants of both Countries used at any time heretofore to fish. . . .

Article 8th The Navigation of the River Mississippi . . . shall for ever remain free and open to the Subjects of Great Britain and the Citizens of the United States.

The treaty was signed by David Hartley for Great Britain and by Adams, Franklin, and Jay for the United States.

With the ratification of the Treaty of Paris by Congress on January 14, 1784, American independence was confirmed.





*Skipper containing the seal of Great Britain affixed to the Treaty of Paris of 1783 (Exchange Copy).*

## *“...a more perfect union.”*

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### *The United States as a Confederation*

Bound together in the loose union provided by the Articles of Confederation, the United States struggled through seven years (1781-88) that have been called both a “critical period,” because of the myriad problems which needed solution, and a “creative period,” because of the number of problems which were at least partially solved. Many of the difficulties might have been experienced by any new nation in the process of establishing its identity among the nations of the world and its authority over its own people. But more and more American leaders came to blame every setback on the weakness of the confederation form of the government. The movement to strengthen the national government which culminated in the drafting of the Constitution of the United States was in actual fact a search for “a more perfect union.”

### *Providing for the Public Domain*

The United States in 1784 contained about a million square miles of land and slightly over three million people, not including Indians, whose numbers few tried to guess. To most citizens of the new Confederation, the future seemed as limitless and inviting as the vast empty wilderness awaiting settlement. It was therefore imperative that the Confederation Congress move quickly to enact a system of survey and government for the western land which now belonged to the Nation, since the States had surrendered their conflicting claims.

A committee composed of Thomas Jefferson, Jeremiah Townley Chase of Maryland, and David Howell of Rhode Island was given the task of proposing a “Plan for the Temporary Government of the Western Country” (document 23), which was presented to Congress on March 4, 1784. Reflecting Jefferson’s ideas, it named and set specific boundaries for 10 States to be established northwest of the Ohio River, and provided that as settlers moved



into each State, they should immediately set up their own government, patterning it after the constitution and laws of any one of the original 13 States. When the population reached 20,000 they were to hold a constitutional convention to create a permanent government and send a delegate to Congress. Once the State had a population equal to that of the smallest of the original 13 States, "such State shall be admitted by its [sic] delegates into the Congress of the United States on an equal footing with the said original states. . . ."

The plan further provided:

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.
5. That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

Jefferson's proposal was finally adopted with some revisions and without the prohibitions against slavery and hereditary titles. Although no territorial governments were set up under it, this law attested to the good faith of the Confederation Congress in carrying out its 1780 pledge not to create from its public domain colonies which would forever remain subservient to the original 13 States of the Union.

Despite this measure and the Land Ordinance of 1785, which provided for survey of the public domain prior to sale, problems continued in the Northwest Territory. The British and their Indian allies refused to make way for American settlers. Squatters, impatient of ordinances passed by a distant Congress, moved onto the land and defended their illegal holdings against Indians and the Government forces alike. Meanwhile, pressure mounted to put the lands on sale. The Government needed revenue, Revolutionary veterans were eager to collect promised land bounties, and speculators formed into land companies and clamored for action.

Early in 1786, it was reported in Congress that the division of the "western Country" into States as provided by the Ordinance of 1784 was not "in any degree practicable." If the Ordinance remained in effect, many of the States, whose boundaries had been set with little knowledge of the topography of the area, would "not soon, if ever, have a sufficient number of Inhabitants to form a government; the consequence of which must be that they will continue without laws, and without order. . . ." At last, in July of 1787, the Confederation Congress repealed the Ordinance of 1784 and enacted "an Ordinance for the Government of the Territory of the United States, North-West of the River Ohio," more frequently referred to as the Northwest

#### Ordinance of 1787 (document 24).

It provided for a territorial period during which the government should be under a governor, a secretary, and three judges, all to be appointed by Congress. Local control would begin gradually with the election of an assembly as population increased, and eventual statehood was still in prospect. Then in six articles it guaranteed certain rights, some of which were later guaranteed by the Constitution and the Bill of Rights. Among these were religious freedom, the benefit of the writ of habeas corpus, and trial by jury. Education was encouraged and it was declared:

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted. . . .



### Other Problems of the Confederation

Having shown creative statesmanship of a high order in its provision for the distribution and government of the public domain, the Congress of the Confederation was unable to deal with some of the other problems of the new nation. Although Congress alone had power to coin money, any state could issue paper bills; when several did so, businessmen complained that the currency was in chaos. Congress could only request financial support from the States; there was no way it could coerce them.

Little could be done about the States which moved slowly to fulfill the terms of the Treaty of Paris in regard to the property of Americans who had remained loyal to England during the Revolution, or to debts owed by Americans to British creditors. It was partially in retaliation that the British continued to occupy seven forts in the Northwest Territory which had been ceded to the United States in 1783.

In other foreign affairs, Spain refused to accept the Florida boundary and the provision for free navigation of the Mississippi River provided for in the Treaty of Paris, and although Prussia concluded a commercial treaty with the United States in 1785, many European nations expected the United States to disintegrate as a nation.

Finally, the unanimous vote of the States required to amend the Articles was unobtainable.



Provided that both the temporary & permanent governments be established  
-ed on these principles as they do now exist, that they shall for ever remain a part  
~~an confederated state~~ of the United States of America. 2. That in their persons, property, Territory they shall  
be subject to the government of the United States in Congress assembled, and to the Ar-  
-ticles of confederation in all those cases in which the original states shall be so  
subject. 3. that they shall be subject to pay a part of the Federal debts contracted  
in by the United States, and to be apportioned on them by Congress according to the same  
common rule and measure by which apportionments thereof shall be made  
on the other states. 4. That their respective governments shall be in republi-  
-can forms, and shall admit no person to be a citizen who holds any heri-  
-ditary title. 5. That after the year 1800 of the Christian era, there shall be  
neither slavery nor involuntary servitude in any of the said states, otherwise  
than in punishment of crimes, whereof the party shall have been duly con-  
victed to have been personally guilty.

That whenever any of the states shall have, of free inhabitants,  
as many as shall then be in any one the least numerous of the thirteen  
original states, such state shall be admitted by it's delegates into the Congress  
of the United States, ~~and~~ <sup>and</sup> shall, together with the said original states;  
after which the assent of ~~the~~ <sup>the</sup> United States in Congress assembled  
shall be requisite in all these cases; otherwise by the Confederation;  
the assent of nine states is now required, provided the consent of nine  
states to such admission may be obtained, according to the eleventh of the  
articles of Confederation. Until such admission by their delegates into  
Congress, any of the said states, after the establishment of their temporary  
government, shall have authority to keep a sitting member in Congress,  
with a right of debating, but not of voting.

23. A PLAN FOR THE GOVERNMENT OF THE WESTERN COUNTRY,  
March 1, 1784, PCC No. 30, I: 49-51, RG 360. Pages 49, 50. 8 $\frac{1}{2}$  x 7 in.  
Page 51 8 $\frac{1}{2}$  x 7 $\frac{1}{8}$  in. 3 pages (pages 50 and 51 illustrated). In the hand of  
Thomas Jefferson. 3 pages (pp. 2 and 3 illustrated). Endorsed: Report  
M<sup>r</sup> Jefferson/M<sup>r</sup> Chase/M<sup>r</sup> Howell/Temporary governmt of western  
Country/Delivered 1 March 1784/Ent<sup>d</sup>-Read./March 3./Monday next assigned  
for the consideration of this report/March 7. 1784/recommitted

That the territory Northward of the 45<sup>th</sup> degree, that is to say, of the continuation of 45° from the Equator, & Westward of Lake Superior, shall be called **Sylvania**:

That of the territory under the 45<sup>th</sup> & 44<sup>th</sup> degrees that which lies Westward of Lake Michigan shall be called **Michigania**, and that which is Eastward thereof within the region formed by the Lakes & waters of Michigan, Huron, St. Clair and Erie, shall be called **Cherronesus**, and shall include any part of the same which may extend above the 45<sup>th</sup> degree.

Of the territory under the 43<sup>rd</sup> & 42<sup>nd</sup> degrees, that to the Westward thro' which the Asconisipi or Rock river runs shall be called **Asconisipia**, and that to the Eastward in which are the fountains of the Muskingum, the two Miamis of Ohio, the highest, the Illinois, the Miami of the lake and Sandusky rivers, shall be called **Metropotamia**.

Of the territory which lies under the 41<sup>st</sup> & 40<sup>th</sup> degrees, the Western, thro' which the river Mississippi shall be called **Illinoia**; that next adjoining to the Eastern ~~Baratog~~, and that between this last & Pennsylvania bordering on the Ohio to Lake Erie, shall be called **Washington**.

Of the territory which lies under the 39<sup>th</sup> & 38<sup>th</sup> degrees to which shall be added the rest of the front of land within the fork of the Ohio & Misissipi as lies under the 37<sup>th</sup> degree; that to the Westward within & adjacent to which are the confluenes of the rivers Wabash, Shawnee, Tanisee, Ohio, Illinois, Misissipi & Missouri, shall be called **Polyamia**, and that to the Eastward, farther up the Ohio, otherwise called the Peisipi shall be called **Policipia**.

That the preceding articles shall be framed into a Charter of Compact shall be duly executed by the President of the U. S. in Congress assembled, under his hand & the seal of the United States, shall be promulgated, and shall stand as fundamental constitutions between the thirteen original states, & those now newly described, unalterable but by the consent of the U. S. in Congress assembled and of the particular state within which such alteration is proposed to be made.

# An ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-West of the RIVER OHIO.

B E IT ORDAINED by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. —— And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses; — and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same:—Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of re-

presentatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And in extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which for ever hereafter shall be formed in the said territory;—to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

*Article the First.* No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

*Article the Second.* The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same; — and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

*Article the Third.* Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them..

*Article the Fourth.* The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted; and a proportional part of the expences of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost or duty therefor.

*Article the Fifth.* There shall be formed in the said territory, not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincent's due north to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southwesterly bend of the lake of lake Michigan: and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than fifty thousand.

*Article the Sixth.* There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

DONE by the UNITED STATES in CONGRESS assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

*John Hancock*

## Movement to Strengthen the National Government

One of the most vexing problems of the Confederation arose from the inability of the Confederation Congress to regulate interstate commerce. Where there was a disagreement between two States about trade, they had to negotiate the matter much as two nations might have done.

When Virginia and Maryland had successfully settled their dispute over navigation and commerce on Chesapeake Bay through an interstate agreement at a meeting at Mt. Vernon, the Virginia Legislature in 1786 proposed a convention to consider commercial regulations among all the States. The response was favorable and a meeting of State commissioners was held at Annapolis in September 1786. At this meeting delegates from only five States appeared, although nine had named commissioners. Nevertheless, in an unanimous report (document 25), the Annapolis Convention recommended "To the Honorable, the Legislatures of Virginia, Delaware[,] Pennsylvania, New Jersey, and New York that

... it may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Fœderal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress Assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Congress received the report of the Annapolis Convention coldly and took no action on the recommendation of the commissioners. Virginia, however, acted favorably on the proposal; it selected delegates and asked the concurrence of the other States. By February 1787 several States had concurred with Virginia. Their action helped to change Congressional sentiment, as did the influence of Thomas Jefferson's friend, James Madison, and George Washington's young former aide-de-camp, Alexander Hamilton of New York. Both had served as delegates in the Confederation Congress, and believed that the national government must be given more power if the nation was to survive.

On February 21, 1787, the Confederation Congress passed a resolution which, while making no

mention of the Annapolis Convention, called for a convention of delegates of the States in Philadelphia in May:

Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government

Resolved that in the Opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal constitution adequate to the exigencies of Government & the preservation of the Union. (Document 26.)



## The Constitutional Convention

The convention that was called to amend the Articles of Confederation but that was actually to write the Constitution of the United States was often called the "Fœderal Convention" in contemporary newspapers. After it convened in the State House in Philadelphia on May 14, 1787, delegates continued to arrive slowly, and by the end of July 12 States were represented. Rhode Island refused to participate.

Many of the delegates had served in the Confederation Congress. Benjamin Franklin was there, at 81 the oldest member of the Convention. Roger Sherman, the only man who signed the Declaration of Independence, the Articles of Confederation, and later the Constitution, was a delegate from Connecticut. John Dickinson, who had tried to push through a stronger constitution in 1776 when he offered his draft of the Articles of Confederation, represented Delaware. And George Washington was elected President of the Convention.

on the subject, they have been induced to think, that the power of regulating trade is to such comprehensive extent, and will enter so far into the general system of the federal government, that to give it efficacy, and to decide questions and doubts concerning its precise nature and limits may require a correspondent adjustment of other parts of the Federal System.

That there are important defects in the system of the Federal Government is acknowledged by the Act of all those States which have concurred in the present Meeting; That the defects upon a closer examination, may be found greater and more numerous, than even those acts imply, is at least so far probable, from the embarrassments which characterise the present state of our national affairs - foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion in some mode, which will unite the Sentiments and Councils of the States. On the choice of the mode your Commissioners are of opinion - that a Convention of Deputies from the different States, for the special and sole purpose of entering into this investigation and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference for consideration which will occur without being particularised.

Your Commissioners decline an enumeration of those national considerations on which their opinion respecting the propriety of a future Convention with more enlarged powers, is founded; as it would incur a useless intrusion of facts and observations, most of which have <sup>frequently</sup> been the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in the instance be addressed. They are however of a nature so serious as, in the view of your Commissioners to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the Confederacy.

Under this impression Your Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may especially tend to advance the interests of the Union, if the States, by whom they have been respectively delegated, would themselves concur in using their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further measures as shall appear to them

25. REPORT OF THE ANNAPOLIS CONVENTION, September 14, 1786, Papers of the Constitutional Convention, RG 360. 15½ x 10 in. Signed by delegates from five states. 5 pages (pages 4 and 5 illustrated). Endorsed: Report of the Commissioners at Annapolis, September 14. 1786. / Report of the Commissione[r]s of N York N Jersey/Pennsylvania Delaware [and] Virginia at Annapolis/N<sup>o</sup> 51

necessary to render the constitution of the Federal Government adequate  
to the exigencies of the Union, and to report such an Act for that  
purpose to the United States in Congress assembled; as when agreed to by  
them and afterwards confirmed by the legislatures of every State will  
effectually provide for the same.

Though your Commissioners could not with propriety —  
address these observations and sentiments to any but the States they  
have the honor to represent, they have nevertheless concluded from  
motives of respect, to transmit copies of this report to the United States  
in Congress assembled, and to the executors of the other States.

Dated at Annapolis } By order of the Commissioners  
September 14th. 1780 }  
Resolved that the Chairman sign the foregoing Report in behalf  
of the Commissioners.

Then assented without day —

John Dickinson } Maryland  
Alexander Hamilton }

Abra. Clark } New Jersey  
(John Pelegastone) }  
P.R. Sherman

George Cope. Pennsylvania

Guthrie

John Dickinson } Delaware  
Richard Bassett }

Edmund Randolph

James M.

H. George Tucker

Virginia —

Whereas there is provision in the Articles of Confederation of Perpetual Union for making alterations therein by the Consent of a Congress of the United States and of the Legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the states and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purpose expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next at convenient of delegates who shall have been appointed by the federal states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the federal legislature such alterations and

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provision therein as shall when agreed to in Congress and confirmed by the states under the federal constitution adequate to the exigencies of government & the preservation of the Union

26. RESOLUTION CALLING FOR PHILADELPHIA CONVENTION.  
February 21, 1787, PCC No. 1, XXXVIII (unpaged), RG 360.  
12½ x 7¾ in. 2 pages.

Two familiar names were not on the list of members: John Adams was representing his country in London, and Thomas Jefferson had replaced Franklin as the American Minister to France. But both were very interested in the outcome.



## The Great Compromise

By May 29, the Convention had adopted rules of order and procedure, and agreed to keep its proceedings secret.

Edmund Randolph of Virginia then submitted for the consideration of the Convention the Virginia Plan. This proposal, consisting of 15 suggestions for the amendment of the Articles of Confederation, had been prepared by the Virginia delegation under the thoughtful leadership of James Madison.

For the next two weeks the Convention, meeting as a Committee of the Whole, discussed and amended this plan. When the Committee reported to the Convention the amended plan in the form of 19 resolutions, it was obvious that, rather than amending the Articles, the Convention would draft an entirely new frame of government. Although it underwent a number of modifications, the Virginia Plan formed the basis of the finished Constitution. Among the resolutions proposed by the Committee were the following:

1. Resolved that it is the opinion of this Committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.

2 Resolved that the national Legislature ought to consist of Two Branches.

3 Resolved that the Members of the first branch of the national Legislature ought to be elected by the People of the several States....

4 Resolved. that the Members of the Second Branch of the national Legislature ought to be chosen by the individual Legislatures....

9 Resolved. that a national Executive be instituted to consist of a Single Person....

11 Resolved. that a national Judiciary be established to consist of One supreme Tribunal....

12 Resolved. That the national Legislature be empowered to appoint inferior Tribunals. (Document 27.)

Members of both "branches" of the "national Legislature" were "to be paid out of the National Treasury" instead of by the States, an important

step in making a member of Congress part of the National rather than the State Government.

To delegates from the small States there were features of the revised Virginia Plan which were very disturbing, and, their numbers augmented by some late arrivals, they countered with their own plan on June 15. William Paterson of New Jersey laid before the convention an alternate proposal which more nearly approached the revision of the Articles of Confederation which the delegates had been instructed to undertake. It provided for a single-house Congress with equal representation for all states. Although the New Jersey Plan as a whole was defeated by a vote of 7 States to 3 on June 19, in the clause-by-clause consideration of the Virginia Plan, the small States picked up enough support on July 2 to deadlock the convention, 5 to 5, on the proposal to base representation in both houses of Congress on population.

For two discouraging weeks in the sweltering heat of July in Philadelphia, the delegates struggled to find a way out of the impasse. John Dickinson had already suggested that one house of the "legislative branch" could represent population and the other the States. Finally, on July 16 a group of resolutions dealing with representation was adopted (document 28), and the deadlock was broken. During the remainder of the long summer other matters had to be thrashed out among delegates with opposing views, but this was the Great Compromise without which the Constitution might not have been adopted: an upper house in which the States were equally represented, a lower house with representation based upon population as enumerated in a decennial census, and all money bills originating in the lower house.

On August 6 the Committee of Detail presented to the Convention the first printed draft of the Constitution (document 29). The preamble began, "We the People of the States of New-Hampshire, Massachusetts . . . and Georgia." The Committee of Style and Arrangement, which reported on September 12, made one striking change. The preamble read:

We, the People of the United States, in order to form a more perfect union, to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

With a few alterations the September 12 version was ordered to be engrossed on September 15. On the following Monday, September 17, one additional change was made in the engrossed copy and the Constitution adopted "by the Unanimous Consent of the States present" was ready to be signed.



State of the resolutions submitted to the consideration of the House by the honorable Mr. Randolph, as altered, amended, and agreed to in a Committee of the whole House.

1 Resolved that it is the opinion of this Committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.

2 Resolved that the national legislature ought to consist of Two Branches.

3 Resolved that the members of the first branch of the national legislature ought to be elected by the People of the several States for the term of three years.

To receive fixed Stipends, by which they may be compensated for the devotion of their time to public service

To be paid out of the National Treasury

To be ineligible to any Office established by a particular State or under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service, and under the national government for the space of one year after its expiration.

4 Resolved that the members of the second branch of the national legislature ought to be chosen by the individual legislatures.

To be of the age of thirty years at least.

To hold their offices for a time sufficient to ensure their independency, namely,

Four years.

To receive fixed Stipends, by which they may be compensated for the devotion of their time to public service - to be paid out of the National Treasury

To be ineligible to any Office established by a particular State, or under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term of service, and under the national government, for the space of One year after its expiration.

27. THE VIRGINIA PLAN AS AMENDED IN THE PHILADELPHIA CONVENTION, June 13, 1787, Papers of the Constitutional Convention, RG 360, 12 $\frac{1}{2}$  x 8 in, 4 pages (pages 1 and 2 illustrated). Endorsed (in Timothy Pickering's hand). Received this sheet from the President of the United States, with the journals of the General Convention, March 19<sup>th</sup> 1796. Timothy Pickering Sec<sup>y</sup> of State. No 2 State of the Resolutions submitted by Mr Randolph to the Consideration of the House, as altered, amended & agreed to in a Committee of the whole House. Received from the President of the U. States, March 19, 1796, by Timothy Pickering Sec<sup>y</sup> of State

5. Resolved that each branch ought to possess the right of originating acts

6. Resolved that the national legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation - and moreover to legislate in all cases to which the separate States are incompetent: or in which the harmony of the United States may be interrupted by the exercise of individual legislation to negative all laws passed by the several States contravening, in the opinion of the national legislature, the articles of union, or any treaties subsisting under the authority of the Union.

7. Resolved. <sup>120</sup> that the right of suffrage in the first branch of the national legislature ought not to be according to the rule established in the articles of confederation: but according to some equitable ratio of representation - namely: in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes in each State.

8. Resolved. <sup>121</sup> that the right of suffrage in the second branch of the national legislature ought to be according to the rule established for the first.

9. Resolved. that a national Executive be instituted to consist of a single Person to be chosen by the National legislature for the term of Seven Years. with power to carry into execution the national <sup>Laws</sup>. to appoint to Offices in cases not otherwise provided for to be ineligible a second time, and to be removable on impeachment and conviction of mal practice or neglect of duty. to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service to be paid out of the national Treasury

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Journal of the Federal Convention Monday July 16. 1787.

The question being taken on the whole of the report from the grand committee as amended

it passed in the affirmative

and is as follows, namely.

Resolved - That in the original formation of the legislature of the United States the first Branch thereof shall consist of Sixty four members of which number

New Hampshire	shall send - Three
Massachusetts	Eight
Rhode Island	One
Connecticut	Five
New York	Six
New Jersey	Four
Pennsylvania	Eight
Delaware	One
Maryland	Six
Virginia	Nine
North Carolina	Five
South Carolina	Five
Georgia	Three

But as the present situation of the States may probably alter in the number of their inhabitants the legislature of the United States shall be authorized from time to time to apportion the number of representatives: and in case any of the States shall hereafter be divided, or enlarged by addition of territory, or any two or more states united, or any new states created within the limits of the United States the legislature of the United States shall possess authority to regulate the number of representatives: and in each any of the foregoing cases upon the principle of their number of inhabitants according

Journal of the Federal Convention Monday July 16. 1787.

to the provisions hereafter mentioned, namely

Provided always that representation ought to be proportioned according to direct taxation; and in order to ascertain the alteration in the direct taxation, which may be required from time to time by the changes in the relative circumstances of the states - Resolved that a census be taken within six years from the first meeting of the Legislature of the United States, and once within the term of every ten years afterwards, of all the inhabitants of the United States in the manner and according to the ratio recommended by Congress in their resolution of April 13. 1783 - and that the Legislature of the United States shall proportion the direct taxation accordingly.

Resolved That all Bills for raising or appropriating money, and for fixing the salaries of the Officers of the Government of the United States, shall originate in the first Branch of the Legislature of the United States, and shall not be altered or amended by the second Branch - and that no money shall be drawn from the Public Treasury but in pursuance of appropriations to be originated by the first Branch.

Resolved that in the second Branch of the Legislature of the United States each State shall have an equal vote.

It was moved and seconded to agree to the first clause of the sixth resolution reported from the Committee of the whole House namely

"That the national legislature ought to possess the legislative rights vested in Congress by the confederation which passed unanimously in the affirmative"

It was moved and seconded to commit the second clause of the sixth resolution reported from the Committee of the whole House

which passed in the negative

And then the House adjourned till to-morrow at 11 o'clock A. M.

WE the People of the States  
of New-Hampshire, Massachusetts,  
Rhode-Island and Providence Plan-  
tations, Connecticut, New-York, New-Jersey, Penn-  
sylvania, Delaware, Maryland, Virginia, North-Caro-  
lina, South-Carolina, and Georgia, do ordain, declare  
and establish the following Constitution for the Govern-  
ment of Ourselves and our Posterity.

A R T I C L E I.

The style of this Government shall be, "The United States of America."

II.

The Government shall consist of supreme legislative, executive and judicial powers.

III.

~~The legislative shall meet at least once in every year and shall meet on the first Monday in December in every year. The legislative shall, in all cases, have adjourned on the first Monday in December in every year.~~

IV.

Sect. 1. The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures.

Sect. 2. Every Member of the House of Representatives shall be of the age of twenty-one years at least; shall have been a citizen of the United States, for at least ~~four~~ <sup>one</sup> year before his election; and shall be an inhabitant of the State in which he is chosen.

Sect. 3. The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner herein after described, consist of sixty-five Members, of whom three shall be chosen in New-Hampshire, eight in Massachusetts, one in Rhode Island and Providence Plantations, five in Connecticut, six in New-York, four in New-Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North-Carolina, five in South-Carolina, and three in Georgia.

Sect. 4. As the proportions of numbers in the different States will alter from time to time; as some of the States may hereafter be divided; as others may be enlarged by addition of territory; as two or more States may be united; as new States will be erected within the limits of the United States, the Legislature shall, in each of these cases, regulate the number of representatives by the number of inhabitants, according to the ~~rate of one for every forty thousand.~~ <sup>rate of one for every thirty thousand.</sup>

Sect. 5. All bills for raising or appropriating money, and for authorizing the expenses of the officers of government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations that shall originate in the House of Representatives.

Sect. 6. The House of Representatives shall have the sole power of impeachment. It shall choose its Speaker and other officers.

Sect. 7. Vacancies in the House of Representatives shall be supplied by writs of election from the executive authority of the State, in the representation from which they shall happen.

V.

29. WASHINGTON'S COPY OF THE FIRST PRINTED DRAFT OF THE CONSTITUTION, August 6, 1787, Ratification by the States of the Constitution RG 360, 15½ x 10½ in. Printed copy of the report of the Committee of Detail, annotated by Washington and others, 7 pages (page 1 illustrated). Endorsed (in Pickering's hand). Printed Draught of the Constitution, received from the President of the United States, March 19, 1796, by Timothy Pickering Sec'y of State

## *The First Presidential Election*

### *Ratification of the Constitution*

The Constitution presented to the American people in the autumn of 1787 provided the method of its own ratification in its final article. It was to be ratified not by State legislatures but by conventions elected in each State for the express purpose of considering the new Constitution. The nearly moribund Confederation Congress, having roused itself during the summer to pass the Northwest Ordinance, now voted that the Constitution be "transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof."

Although the Pennsylvania ratifying convention was the first to meet, the Delaware Convention was the first to ratify the Constitution (document 30). Many of the fears of the small States had been effectively allayed by the equal representation granted the States in the Senate, so that little opposition to the federal plan had developed in Delaware. Elsewhere arguments against the Constitution centered chiefly on three points—that the central government was given too much power, that its power was drawn from the Constitution as the supreme law of the land, and that the Constitution did not contain guarantees of States' rights and individual liberties. The last argument, especially popular, led to general demands for a "bill of rights." There were enough proponents of the new Constitution, however, to ensure its acceptance even though violent discussions raged in several ratifying conventions. In some cases opponents were mollified by a promise that amendments to the Constitution would be proposed as soon as the new government was organized.

When New Hampshire ratified on June 21, 1788, the requirement for ratification by the "conventions of nine States" had been fulfilled so that the Constitution could go into effect. The last of the Original Thirteen to ratify was Rhode Island on May 29, 1790.

The time had now come to put into effect the national electoral process established by the new Constitution, and the Confederation Congress was called upon for a deed of unique self-abnegation: to provide for the election of its own successor. Even though 10 members of Congress had also been members of the Federal Convention, the old Congress debated off and on for 10 weeks, from July 2 to September 28, 1788, what it should do about calling an election. Congress finally passed this resolution:

... That the first Wednesday in January next, be the day for appointing Electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the Electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next, be the time, and the present Seat of Congress [New York] the place for commencing Proceedings under the said Constitution. (Document 31.)

The Constitution provided only that the Presidential electors should be appointed in whatever manner the legislatures of the individual States directed. In accordance with the congressional resolution fixing January 7, 1789, as the date for choosing electors, Massachusetts acted on that day. The General Court (the legislative body) itself named two electors at large and chose eight from a list of men elected by the voters of the State (document 32). The 10 electors met in the Senate Chamber on February 4, 1789, and, as the Constitution provided, each voted for two men. They cast 10 votes for George Washington and 10 for John Adams.

In South Carolina the legislature named the electors directly. This method was also used by Connecticut, New Jersey, Delaware, and Georgia. Pennsylvania, Maryland, and Virginia chose their electors by popular ballot. New York lost its vote when the two branches of the legislature reached a deadlock over the method to be used. After the seven South Carolina electors had acted, they reported:

We . . . did vote by ballot for two Persons accordingly, and on opening the said ballots, We found that the Honorable George Washington Esq<sup>r</sup> of Virginia . . . —had seven—votes and John Rutledge—had six—votes and John Hancock had one vote....(Document 33.)



*We the Deputies of the People of the Delaware State in Convention met, having taken  
into our serious consideration the Federal Constitution proposed and agreed upon by the Convention of the United States in a  
General Assembly held at the City of Philadelphia on the twentieth day of September in the year of our Lord one thousand seven  
hundred and eighty seven. We now assented, granted, accepted, and confirmed, and by these Presents, do, in virtue of the powers and authority  
so given us for said purpose for and in behalf of ourselves and our Constituents, fully freely and entirely approve of, and consent  
to the said Constitution.*

*I<sup>t</sup>me in Convention at Dover the seventh day of December in the year of our Lord and in the year of the  
Independence of the United States of America the eighteenth in January, whereof we have hereunto subjoined our Names,  
to witness further, that we, the said Deputies of the State do hereby certify, that the above  
Instrument of writing is a true copy of the original instrument of the said  
Constitution by the Convention of the Delaware State, which original instru-  
ment is now in my possession. The handwriting whereof I have examined  
the first of the December, State to be hereunto annexed.*

*W<sup>m</sup> Collins*

*A. Ward Pefford*

*George W. Maw*

*George Washington*

*John C. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

*John D. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

*John D. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

*John D. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

*John D. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

*John D. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

*John D. Smith*

*Richard P. Parker*

*John D. Smith*

*Samuel May Jr.*

30. THE DELAWARE RATIFICATION OF THE CONSTITUTION, December 7, 1787. Ratification by the States of the Constitution of the United States and of the First Ten Amendments. RG 11. 31 $\frac{1}{2}$  x 16 $\frac{1}{2}$  in. Parchment. Bears the names of the State deputies, probably in the hand of a clerk. Attested by the signature of Thomas Collins, President of Delaware. State seal in left margin. 1 sheet. Endorsed Ratification of the Federal Constitution by the Delaware State/Recorded—page 78.// Delaware.

# By the United States in Congress assembled,

SEPTEMBER 13, 1788.

**W**HEREAS the Convention assembled in Philadelphia, pursuant to the Resolution of Congress of the 21st February, 1787, did, on the 17th of September in the same year, report to the United States in Congress assembled, a Constitution for the People of the United States; whereupon Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the Resolutions and Letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made and provided in that case:" And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such Ratifications duly authenticated have been received by Congress, and are filed in the Office of the Secretary---therefore,

**RESOLVED**, That the first Wednesday in January next, be the day for appointing Electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the Electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next, be the time, and the present Seat of Congress the place for commencing Proceedings under the said Constitution.

31. CALL FOR THE FIRST PRESIDENTIAL ELECTION, September 13, 1788,  
Misc. PCC, Broadsides, RG 360. 12 $\frac{1}{8}$  x 7 $\frac{7}{8}$  in. Broadside. 1 page.

Commonwealth of Massachusetts

In Senate January 7. 1789

Ordered that the Secretary notify

The Hon<sup>ble</sup> Caleb Davis

Samuel Phillips jun<sup>r</sup>. Esq<sup>r</sup>

Francis Dana Esq<sup>r</sup>

Samuel Dunham Esq<sup>r</sup>

The Hon<sup>ble</sup> William Seaver

David Seaver

Walter Spooner

Moses Gill

William Cushing Esq<sup>r</sup>

William Shepard Aquines, Esq<sup>r</sup>

they have been chosen Electors of President & Vice President  
of the United States, agreeably to the Constitution thereof,  
of the time & place of their meeting

Laid down for concurrence,

Sam<sup>l</sup> Phillips jun<sup>r</sup> Presid.

In the House of Representatives January 7. 1789

Read & Concurred

Theodore Sedgwick Esq<sup>r</sup>

True copy

Attest

John Sargeant  
Under-Secretary

32. APPOINTMENT OF THE MASSACHUSETTS ELECTORS, January 7, 1789, 1A-H1, Election Records, RG 46, Records of the United States Senate.  
12 x 7½ in. 1 page. Endorsed: Secretary's Certificate respecting Electors  
Massachusetts

City of Charleston State of South Carolina;

We the Subscribers being duly appointed in the manner directed by the Legislature of the State of South Carolina Electors for the purpose of choosing a President of the United States of America agree to the Federal Constitution at twelve O'clock on the fourth day of February in the Exchange of the City of Charleston in the State of South Carolina, and being first duly sworn before his Excellency the Governor agreeably to an Act entitled 'an Act prescribing on the part of this State the times places and manner of holding Elections for Representatives in the Congress and the manner of appointing Electors of a President of the United States' and having also taken the Oath of Allegiance and Abjuration agreeable to the 36<sup>th</sup> Clause of the Constitution of the State of South Carolina **DID** vote by ballot for two Persons accordingly, and on opening the said ballots were found that the Honorable George Washington Esq; of Virginia and the Honorable John Rutledge Esq; of South Carolina & the Honorable John Hancock Esq; of Massachusetts were voted for and that George Washington had seven votes and John Rutledge had six votes and John Hancock had one vote all which we do Certify and in testimony thereof have signed our Names and affixed our Seals this fourth day of February in the year of our Lord One thousand seven hundred and Eighty nine, and in the thirteenth year of the Independence of the United States of America

Christgadiden

Edward Rutledge

Henry Laurens.

Charles Cotesworth Pinckney

The Heyward

Athas Smith

John Faucheraud Grinke

33. REPORT OF THE SOUTH CAROLINA ELECTORAL VOTE,  
February 4, 1789, 1A-H1, RG 46. 13 $\frac{1}{8}$  x 8 $\frac{1}{8}$  in. Signed by the electors and  
attested by seals. 1 page.

## The Unanimous Choice

The Confederation Congress had set March 4, 1789, as the date and New York City as the place for the first meeting of Congress under the Constitution, but bad roads and bad weather combined to thwart the best of intentions. Not until April 1 was the House of Representatives organized and not until April 6 did a quorum of the Senate assemble. The first order of business was to count the votes for President and Vice President, and the Senate elected John Langdon as its temporary president solely for that purpose. The electoral votes, counted immediately, showed that each of the 69 electors had voted for George Washington. He was thus the unanimous choice for the Presidency. John Adams, who received the next largest number of votes, was elected to the Vice Presidency. That same day Langdon wrote to Washington and Adams informing them of this result. The letter to Washington read:

I have the honor to transmit to your Excellency the information of your unanimous election to the office of President of the United States of America. Suffer me, Sir, to indulge the hope, that so auspicious a mark of public confidence will meet your approbation, and be considered as a sure pledge of the affection and support you are to expect from a free and an enlightened People—(Document 34.)

Charles Thomson, the faithful Secretary of every Congress beginning with the First Continental Congress of 1774, was chosen to carry the letter of notification to Mount Vernon. Typical of the man whose meticulous records were invaluable to the incoming Presidential administration and to historians ever since, Thomson's description of his journey and Washington's remarks upon learning of his election is detailed and factual:

In pursuance of the orders I received from the Senate I left New York on tuesday the seventh of the present month; and though much impeded by tempestuous weather, bad roads and the many large rivers I had to cross, yet by unremitting diligence I reached Mount Vernon, the seat of his excellency genl Washington on tuesday the 14 about 12 o clock. I found his excellency at home and after communicating to him the object of my mission and the substance of my

instructions I took an opportunity, on the day of my arrival, to address him. . . .

. . . his Excellency was pleased to make the following reply "Sir, I have been long accustomed to entertain so great a respect for the opinion of my fellow citizens, that the knowledge of their unanimous suffrages having been given in my favour scarcely leaves me the alternative for an Option. Whatever may have been my private feelings and sentiments, I believe I cannot give a greater evidence of my sensibility for the honor they have done me than by accepting the appointment

I am so much affected by this fresh proof of my country's esteem and confidence, that silence can best explain my gratitude—While I realize the arduous nature of the task which is conferred on me and feel my inability to perform it, I wish there may not be reason for regretting the choice. All I can promise is only that which can be accomplished by an honest zeal. . . ." (Document 35.)

Washington left Mount Vernon for New York on April 16. His journey was almost a triumphal procession, as the American people sought to do him honor along the way. On April 30 on the balcony of Federal Hall in Wall Street, the oath of office prescribed in the new Constitution was administered to Washington by Robert R. Livingston, the chancellor of New York State, before a large and enthusiastic crowd of citizens in the street below. Then the new President entered the Senate Chamber, where he delivered an inaugural address to Congress. He said in part:

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order. . . . On the one hand, I was summoned by my Country, whose voice I can never hear but with veneration and love. . . . On the other hand, the magnitude and difficulty of the trust to which the voice of my Country called me, being sufficient to awaken in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with dispondence, one, who, inheriting inferior endowments from nature and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. . . .

Such being the impressions under which I have . . . repaired to the present station; it would be peculiarly improper to omit in this first official Act, my fervent supplications to that Almighty Being who rules over the Universe . . . that his benediction may consecrate to the liberties and happiness of the People of the United States, a Government instituted by themselves for these essential purposes. . . . (Document 36.)



Copy

New York, 6<sup>th</sup> April, 1789.

Sir,

I have the honor to transmit to  
your Excellency the information of your unanimous  
election to the office of President of the United States  
of America. I suffer now, Sir, to indulge the  
hope, that so auspicious a mark of publick  
confidence will meet your approbation, and be  
considered as a firm pledge of the affection and  
support you ~~want~~ expect from a free and an  
enlightened People.

I am, Sir, with

Yours, &c.  
Intimacy & respect,

John Adams

JL

His Excellency

George Washington, H.P.

34. LETTER INFORMING WASHINGTON OF HIS ELECTION AS  
PRESIDENT, April 6, 1789, 1A-J3, Papers Pertaining to the Notification of the  
President and Vice President of Their Election, RG 46. 12 $\frac{1}{4}$  x 7 $\frac{1}{8}$  in.  
Official Copy. On the back of this page is the Official Copy of the Notification  
to John Adams of his election as Vice President. 1 page. Endorsed: 1<sup>st</sup> Sess:  
L 1<sup>st</sup> Con:/Copies to/The President &/Vice President/Ent<sup>d</sup>/New York/April 6<sup>th</sup>/  
1789./ L Jour:/fol 10 & 11.

New York April 24. 1789

Sir.

In pursuance of the orders I received from the Senate.

I left New York on Tuesday the seventh of the present month, and though much impeded by impetuous weather, bad roads, and the many large rivers I had to cross, yet by unremitting diligence I reached Mount Vernon, the seat of his excellency gen<sup>t</sup> Washington on Tuesday the 14 about 12 o'clock. I found his excellency at home and after communicating to him the object of my mission and the substance of my instructions I took an opportunity, on the day of my arrival, to address him as follows:

"Sir. The president of the Senate, chosen for the special occasion, having opened and counted the votes of the Electors in the presence of the Senate and the house of representatives, I was honored with the commands of the Senate to wait upon your Excellency with the information of your being elected to the office of President of the United States of America. This commission was entrusted to me on account of my having been long in the confidence of the late Congress and charged with the duties of one of the principal civil departments of government.

I have now, Sir, to inform you, that the proofs you have given of your patriotism and of your readiness to sacrifice domestic ease and private enjoyment to preserve the liberty and promote the happiness of your country did not permit the two houses to harbour a doubt of your undertaking this great, this important office, to which you are called not only by the unanimous vote of the Electors but by the voice of America. I have it therefore in command to accompany you to New York where the Senate and the house of representatives are convened.

35. THOMSON'S LETTER ON HIS JOURNEY TO MOUNT VERNON, April 24, 1789, 1A.J3, RG 46. 12 $\frac{1}{4}$  x 8 in. In the hand of Charles Thomson 3 pages (pages 1 and 2 illustrated). Endorsed Apr 24 Legis 1 Cong 1 Sess. Report of Charles Thompson Esq. on the mode of his addressing and notifying Gen. Washington, of his election, as president of the U.S. of A. April 24, 1789. N<sup>o</sup> 1. 1<sup>st</sup> Sess 1<sup>st</sup> Con L April 24<sup>th</sup> 1789 Charles Thomson Read & ordered to be on file. En<sup>d</sup> Fol 31.

for the disposal of public business. In executing this part of my commission, where personal gratification coincides with duty I shall wait your time and be wholly governed by your convenience.

To this his Excellency was pleased to make the following reply

"Sir, I have been long accustomed to entertain so great a respect for the opinion of my fellow citizens, that the knowledge of their unanimous suffrage having been given in my favour scarcely leaves me the alternative for an option. Whatever may have been my private feelings and sentiments, I believe I cannot give a greater evidence of my sensibility for the honor they have done me than by accepting the appointment.

I am so much affected by this fresh proof of my country's esteem and confidence, that silence can best express my gratitude. While I realize the arduous nature of the task which is conferred on me and feel my inability to perform it, I wish there may not be reason for regretting the choice. All I can promise is only that which can be accomplished by an honest zeal.

Upon considering how long time some of the gentlemen of both houses of Congress have been at New York, how anxiously desirous they must be to proceed to business, and how deeply the public mind appears to be impressed with the necessity of doing it immediately I cannot find myself at liberty to delay my journey. I shall therefore be in readiness to set out the day after tomorrow, and shall be happy in the society of your company. For you will permit me to say that it was a peculiar gratification to have received the communication from your

His Excellency set out accordingly on Thursday the 16<sup>th</sup>. His progress was retarded by the tender and affectionate leave which his neighbour and friends took of him; by the congratulatory addresses which he was obliged to receive by the way; and by the testimonies of public esteem and joy, to which it was necessary for him to pay attention, in the several states through which he

(Continuation of Document 35)

Fellow Citizens of the Senate  
and  
of the House of Representatives.

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month: — On the one hand, I was summoned by my Country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years: a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. — On the other hand, the magnitude and difficulty of the trust to which the voice of my Country called me, being sufficient to awaken in the wisest and most experienced of her citizens, a distrust

ful

36. WASHINGTON'S INAUGURAL ADDRESS, April 30, 1789, 1A-E1,  
President's Messages, RG 46. In the hand of George Washington. 8 pages  
(pages 1 and 8 illustrated). Endorsed. The Presidents Speech 30 April 1789  
Ent fol 35 N° 7

permanent provision for the Executive Department; and must accordingly pray that the pecuniary estimates for the Station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require. -

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, - I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication that since He has been pleased to bring together the American people, with opportunities for deliberating in perfect tranquility, and dispositions for deciding with unparalleled unanimity on a form of Government, for the security of their Union, and the advancement of their happiness; so his divine blessing may be equally conspicuous in the enlarged views, the temperate counsels, and wise measures on which the success of this Government must depend. -

G. Washington

30 April.

180.

(Continuation of Document 36)

## The Bill of Rights

One step remained, one promise still had to be kept, before the formation of the Union was complete. One of the most frequent objections to the Constitution during the debate over its ratification was that it lacked specific guarantees of the personal freedom of individual citizens and the rights of the States. The State ratifying conventions in Massachusetts, South Carolina, New Hampshire, Virginia, and New York submitted proposed amendments with their resolutions of ratification. Proponents of the document promised that a "bill of rights" would be proposed by the new Government as soon as it was organized.

In North Carolina the struggle over ratification was even more severe, for no mere promise was satisfactory to its convention. Meeting in Hillsboro on August 1, 1788, the convention passed a resolution:

... That a Declaration of Rights, asserting and securing from incroachment the great Principles of civil and religious Liberty, and the unalienable Rights of the People, together with Amendments to the most ambiguous and exceptionable Parts of the said Constitution of Government, ought to be laid before Congress, and the Convention of the States that shall or may be called for the Purpose of Amending the said Constitution, for their consideration, previous to the Ratification of the Constitution aforesaid, on the part of the State of North Carolina. (Document 37.)

The resolution was followed by 26 suggested amendments. The convention then adjourned without taking final action on the Constitution.

Soon after the First Congress met, it began to consider amendments guaranteeing civil rights and liberties. James Madison, then a Representative from Virginia, had pledged to use his influence to bring about the adoption of a "bill of rights." From the many amendments that had been suggested

by ratifying conventions he offered on June 8, 1789, a select list for the consideration of the House. The House passed 17 of these. The Senate reduced this number to 12 by combining some and deleting others.

On September 25, 1789, Congress passed a resolution proposing 12 constitutional amendments. The enrolled original of the resolution—the Federal Government's official copy—was signed by Augustus Muhlenberg, Speaker of the House, and John Adams, President of the Senate. Thirteen other signed copies, also written on parchment, were forwarded to President Washington; and on October 2, in pursuance of a congressional resolution, he transmitted a copy to each State of the Union and to Rhode Island and North Carolina which still had not ratified the Constitution and could take no formal action on the amendments at that time. However, the main objection of North Carolina to the Constitution was removed. Another convention was held; and on November 22, 1789, North Carolina ratified the Constitution and thus became a member of the Union.

The suggested amendments were well received by the other States as well, and some of them immediately acted on ratification. New York ratified on March 27, 1790 (document 38), accepting all the suggested amendments except the second. While the proposed amendments were under consideration by the States, Rhode Island and the new State of Vermont joined the Union. This raised to 11 the number of States necessary to make a change in the Constitution. On December 15, 1791, Virginia ratified all the proposed amendments. Of the original 12 proposed, 10 amendments had then been ratified by the requisite three-fourths of the States. These amendments, guaranteeing civil rights and liberties to the individual, thus became part of the fundamental law of the land.



State of North-Carolina.

IN CONVENTION, AUGUST 1, 1788.

Resolved, That a Declaration of Rights, asserting and securing from encroachment the great Principles of civil and religious Liberty, and the unalienable Rights of the People, together with Amendments to the most ambiguous and exceptionable Parts of the said Constitution of Government, ought to be laid before Congress, and the Convention of the States that shall or may be called for the Purpose of Amending the said Constitution, for their consideration, previous to the Ratification of the Constitution aforesaid, on the part of the State of North Carolina.

DECLARATION OF RIGHTS

1st. That there are certain natural rights of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life, and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2d. That all power is naturally vested in, and consequently derived from the people; that magistrates therefore are their trustees, and agents, and at all times amenable to them.

3d. That Government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression is absurd, evil, and destructive to the good and happiness of mankind.

4th. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge, or any other public place to be hereditary.

5th. That the legislative, executive and judiciary powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression by feeling and participating the public burthen, they should at fixed periods be reduced to a private station, return into the mass of the people; and the vacancies be supplied by certain and regular elections; in which all or any part of the former members to be eligible or ineligible, as the rules of the Constitution of Government, and the laws shall direct.

6th. That elections of Representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage: and no aid, charge, tax or fee can be set, rated, or levied upon the people without their own consent, or that of their representatives, so elected, nor can they be bound by any law, to which they have not in like manner assented for the public good.

7th. That all power of suspending laws, or the execution of laws by any authority without the consent of the representatives, of the people in the Legislature, is injurious to their rights, and ought not to be exercised.

8th. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces) nor can he be compelled to give evidence against himself.

9th. That no Freeman ought to be taken, imprisoned, or dispossessed of his freecold, liberties, privileges or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property but by the law of the land.

10th. That every Freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

11th. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

12th. That every Freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in his person, property, or character. He ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments, or regulations contravening these rights, are oppressive and unjust.

13th. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

14th. That every Freeman has a right to be secure from all unreasonable searches, and seizures of his person, his papers, and property: all warrants therefore to search suspected places, or seize any Freeman, his papers or property, without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are grievous and oppressive, and all general warrants to search suspected places, or to apprehend any suspected person without specially naming or describing the place or person, are dangerous and ought not to be granted.

15th. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every Freeman has a right to petition or apply to the Legislature for redress of grievances.

16th. That the people have a right to freedom of speech, and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of Liberty, and ought not to be violated.

17th. That the people have a right to keep and bear arms; that a well regulated militia composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state. That standing armies in time of peace are dangerous to Liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to, and governed by the civil power.

18th. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the Laws direct.

19th. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bears arms in his stead.

20. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and unalienable right to the free exercise of religion according to the dictates of conscience, and that no particular religious sect or society ought to be favoured or established by law in preference to others.

Amendments to the Constitution.

I. THAT each state in the union shall, respectively, retain every power, jurisdiction and right, which is not by this constitution delegated to the Congress of the United States, or to the departments of the Federal Government.

37. NORTH CAROLINA'S PROPOSED AMENDMENTS TO THE CONSTITUTION, August 1, 1788, Ratification by the States of the Constitution, RG 11. 12-5/16 x 7 1/2 in. Bears signatures of Samuel Johnson, President, and J. Hunt, Secretary, of the North Carolina Convention. 2 pages. Endorsed: Proceedings of the Convention of the State of North Carolina/Receiv'd September 13<sup>th</sup> 1788/Enter'd page 167 & 179

38. NEW YORK'S RATIFICATION OF THE BILL OF RIGHTS. March 27, 1790, *ibid.*, RG 11, 29 $\frac{1}{2}$  x 14 $\frac{1}{8}$  in. Diameter of Seal 3 $\frac{1}{8}$  in. Parchment. Signed by George Clinton, Governor of New York, with the State seal appended. 1 sheet. Endorsed: Passed the Secretary's Office, the 27<sup>th</sup> March 1790 — Lewis A. Scott, Secretary.



## A Note on the Documents

When the First Continental Congress met on September 5, 1774, in Philadelphia, one of its earliest acts was to elect Charles Thomson Secretary of the Congress. He served in this capacity for both the Continental Congress and its successor, the Congress of the Confederation for 15 years—until the establishment of the Federal Government in 1789. Thanks to Thomson's conscientious care, the "Papers of the Continental Congress," now in the National Archives, provide modern historians with a rich record of the events of the formative years of the United States.

Very important among the "PCC" are the Journals of the Continental and Confederation Congresses, of which there are three versions. The "Rough Journal" is Thomson's daily record of the order of business; the "Corrected" or "Transcript" Journal is the Rough Journal edited for publication by committees appointed from time to time for this purpose; and the several "Secret Journals" record secret proceedings of the Congress.

The variety of other papers in this body of records attests to the breadth of the concerns of the Congress. For example, there are original and transcript letters and reports from such figures as George Washington, John Hancock, Benjamin Franklin, and many other military and civil officials of the United States. In addition there are dispatches from American representatives abroad and notes from foreign envoys in the United States, as well as memorials and petitions to Congress showing the concerns of the American people during the period. In the letters received from Governors and other officials of the States, the activities of the States and their relation to Congress are revealed. Foreign affairs, government finance, military and naval problems, relations with Indians, land distribution and many other areas of pre-Federal history are represented in the Papers of the Continental Congress.

In 1789, the PCC were turned over to the Department of Foreign Affairs (later the Department of State) of the Washington administration. During the War of 1812, they narrowly escaped destruction by being transported out of the city when the British burned Washington.

From 1815 to 1903, the Papers of the Continental Congress remained in the custody of the

State Department. Their transfer to the Library of Congress in 1903 was partially an attempt to make them more accessible to scholars. Since President Theodore Roosevelt's Executive Order covering the transfer allowed the State Department to select which papers should be placed in the Library, it was decided to keep at the State Department the papers relating to diplomatic history and the "great documents," including the Declaration of Independence, the Articles of Confederation, the Ordinance of 1787, the Constitution, and the Bill of Rights. However, President Warren G. Harding ordered that the "Great Charters" be added to the PCC held by the Library of Congress, and in 1924 the Declaration of Independence and the Constitution were placed on public display on the second floor of the Library.

When in 1938 the State Department transferred sections of its records to the newly created National Archives, the first of the Papers of the Continental Congress found their way into the National Archives. The Library of Congress released the bulk of the Papers of the Continental Congress to the National Archives 14 years later, thereby reuniting this famous body of records in the depository designed to keep the permanently valuable records of the Federal Government.

With the records of the Constitutional Convention, they constitute Record Group 360, The Records of the Continental and Confederation Congresses and the Constitutional Convention, in the Legislative, Judicial and Diplomatic Records Division of the National Archives. Most of the documents reproduced in this publication and in the accompanying facsimile package are from this Record Group. All are among the records in the National Archives Building in Washington.

In the citations in this essay, the following abbreviations have been used:

PCC—Papers of the Continental Congress

RG—Record Group

Lengthy quotations in the text for which no citation is given are from the record of the appropriate day's proceedings as printed in the 34-volume edition of the *Journals of the Continental Congress* produced by the Library of Congress (Washington, D.C.: Government Printing Office, 1904-37).

# We the People

of the United States, in order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article I.

Section 1. All legislative Powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes, shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding all others not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, and each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut four, New York one, New Jersey four, Pennsylvania three, Delaware one, Maryland one, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators, from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be ascertained, in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year; so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of the Legislature of any State, the Executive Authority may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of the State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on oath or Affirmation. When the President of the United States, the Chief Justice, shall preside. And no Person shall be impeached without the Concurrence of two thirds of the Members present.

Impeachment on Accusation of Treason, Bribery, or高賄賂, shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Profit or Trust under the United States; but the Party impeached shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every year, and such Meetings shall be on the first Monday in December, until they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time, publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall be put at the Desire of one fifth of those Present, voted on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three Days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except treason, Felony, or Breach of the Peace, be privileged from Arrest during their Attendance at the Sessions of their respective Houses, and in going to and returning from them, excepting for Impeachment or Detention in other House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he is elected, be appointed to any civil office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such Time, and no Person holding any Office under the United States, shall be a Member of either House during his Continuity in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as aforesaid. Every Bill which shall have passed the House of Representatives, and the Senate, shall be presented to the President of the United States;

THE CONSTITUTION OF THE UNITED STATES

United States; & if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to consider it. If after such Consideration two thirds of that House shall agree to pass the Bill, I shall be sent, together with the Objections, to the other House, by which it shall likewise be considered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sunday excepted,) after it shall have been presented to him, that same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its becoming a Law, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a Question of Adjournment,) shall be presented to the President of the United States, and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be rejected by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

**Section 3.** The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weight and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by awarding to Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

1. To issue and support Armies, but no Appropriation of Money to that Use shall be for longer than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the Land and naval Forces;

2. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

3. To provide for organizing, arming and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, according to the Rules and Regulations prescribed by Congress;

4. To award Officers and Soldiers of the Army, and the Authority of training the same according to the Discipline prescribed by Congress;

5. To award Officers and Soldiers of the Navy, and the Authority of training the same according to the Discipline prescribed by Congress;

6. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

**Section 4.** The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or Ex post facto Law shall be passed.

No Capitation, or other direct Tax shall be laid, jointly in Proportion to the Census or Enumeration herein before described to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, pay Duties in another.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title of any kind whatever from any King, Prince, or foreign State.

**Section 5.** No State shall enter into any Treaty, Alliance, or Confederation, grant Letters of Marque and Reprisal, coin Money, emit Bills of Credit, or engage in War, but with the Consent of Congress, except in Cases of Actual Invasion by a Foreign Power, or in Cases of imminent Danger as will not admit of delay.

No State shall, without the Consent of Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Law shall be subject to the Revision and Control of Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in Time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article II.

**Section 1.** The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an inhabitant of

the same State with themselves. And they shall make a list of all the Persons voted for, and of the Number of Votes for each which List they shall sign and certify, and transmit sealed to the Seal of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed, and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President, and if no Person have a Majority, then from the five highest on the List the said House shall, in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, & Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice-President.

The Congress may determine the Time of Chusing the Electors, and the Day on which they shall give their Votes, which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attainted to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice-President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, etc., of the President, and the Vice-President, declaring what Officer shall then act as President, and such Officer shall act accordingly until the Disability or removal or the President shall be restored.

The President shall, at stated Times, receive for his Services a Compensation, which shall neither be increased nor diminished during his Period of Service so shall have been established, and he shall not receive within that Period any other Emoluments from the United States, or of any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

**Section. 2.** The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, upon Writing of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; and the Congress may by Law vest the Appointment of such Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments, etc.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

**Section. 3.** He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he deems necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them with Respect to the Time of Adjournment, he may adjourn them to such Term as he shall think proper; he shall receive Ambassadors and other public Ministers, and he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

**Section. 4.** The judicial Power of the President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors.

## Article III.

**Section. 1.** The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

**Section. 2.** The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of Admiralty and Maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States, between a State and a Foreign Power, or Citizens thereof, and foreign States, Citizens, or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but where no Impeachment in any State, the Trial shall be at such Place or Places as the Congress may by Law direct.

**Section. 3.** Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies giving them Aid and Comfort.

No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attendant of Treason shall work Corruption of a Witness, or

of a Judge except during the Time of the Power intended.

## Article IV.

**Section. 1.** Full Faith and Credit shall be given in every State to the public Acts, Records, and judicial Proceedings of every other State in America.

Congress may by general Laws provide for the Punishment ... which such Acts, & Decrees and Proceedings shall be provided, and the Effect thereof.

**Section. 1.** The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall be delivered up, to be tried for the Crime.

No Person held in Slave or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up upon Claim of the Party to whom such a Slave or Labour may be due.

**Section. 3.** New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to do, and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be construed, as to Prejudice any Claims, of the United States, or of any particular State.

**Section. 4.** The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive, when the Legislature cannot be convened, against domestic Violence.

## Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof; so that the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## Article VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States, which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## Article VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution Between the States so ratifying the Same.

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Attest William Jackson Secretary

Delaware	L. C. Fisher Gunning Bedford jun John Dickinson Richard Bassett Jas. Bowditch James Williams	G. Washington - Bas and Deputy Genl Vice Admiral John Langdon Nicholas Gilman
Maryland	D. of Tho: Senifor Danl Carroll John Blair - James Wilson	Massachusetts Wm. C. Gorham, Rufus King
Virginia		W. J. Jones, Johnson Roger Sherman Alfred Hamilton W. Livingston
North Carolina	H. Blount Edwd. Doty Spaight. A. M. Williamson	New Jersey David Brearley H. S. Patterson Jona. Dayton
South Carolina	J. Rutledge Charles Pinckney Charles Pinckney P. H. D. Elliott William Few	Pennsylvania Thos. Franklin Thomas Mifflin G. Washington Thos. Gage Jacob Ingraham James Wilson G. Morris
Georgia	John Adams	

# Congress of the United States,

Begun and held at the City of New York, on  
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Convention of delegates of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, to thine of the First,

concerning, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution: viz:

ARTICLES in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures

of the several States, pursuant to the fifth Article of the original Constitution.

Article the first. After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand until the number shall amount to one hundred, after which, the proportion shall be as regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Article the third. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the fourth. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article the fifth. No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article the eighth. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article the ninth. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Article the tenth. Congress shall not lay exorbitant fines, or cruel and unusual punishments inflicted.

Article the eleventh. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the twelfth. The powers not delegated to the United States by the Constitution, are reserved to the States respectively, and to the people.

Attest,

John Adams, Speaker of the House of Representatives.

John Adams, Vice President of the United States, and President of the Senate.

John Dickinson, President of the Senate.

THE JOINT RESOLUTION PROPOSING A BILL OF RIGHTS

“... the Qt Marster Gen<sup>l</sup> shall cause all the Tools of every kind belonging to the United Colonies, or at any time, Purchased for them, to be marked with the following Brand or Stamp.” War of the Revolution Orderly Book 12, RG 93, NA.

CxIII

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